

STATE OF CALIFORNIA

CALIFORNIA LAW REVISION COMMISSION

2000-2001 Annual Report

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739

CALIFORNIA LAW REVISION COMMISSION

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NOTE

The Commission's reports, recommendations, and studies are published in separate pamphlets that are later bound in hardcover form. The page numbers in each pamphlet are the same as in the volume in which the pamphlet is bound, which permits citation to Commission publications before they are bound.

This publication (#210) will appear in Volume 30 of the Commission's *Reports, Recommendations, and Studies*.

Commission publications and other materials are available on the Internet at www.clrc.ca.gov.

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SUMMARY OF WORK OF COMMISSION

Recommendations Enacted in the 2000 Legislative Session

In 2000, seven bills effectuating the Commission's recommendations were enacted, relating to the following subjects:

- Administrative rulemaking
- Family Code enforcement
- Eminent domain valuation evidence
- Alternate distributee for unclaimed distribution
- Jurisdictional classification of good faith improver claims
- Air resources technical revisions
- Trout affidavit

A bill relating to confidentiality of settlement negotiations was not enacted.

Recommendations to the 2001 Legislature

In 2001, the Commission plans to submit recommendations on the following subjects to the Legislature:

- Rulemaking under Penal Code Section 5058
- Early disclosure of valuation data and resolution of issues in eminent domain
- Trial court unification follow-up, including:
 - Authority to appoint receivers
 - Cases in which court reporter is required
 - Expired pilot projects
 - Law library board of trustees
 - Stay of mechanic's lien enforcement pending arbitration
 - Unnecessary procedural differences between limited and unlimited civil cases
- Estate planning during dissolution of marriage
- Health Care Decisions Law follow-up
- Administrative rulemaking cleanup

Commission Activities Planned for 2001

During 2001, the Commission will work on the following major topics: mechanic's lien law, obsolete provisions resulting from trial

court restructuring, implementation of Bankruptcy Code Chapter 9 (adjustment of debts of governmental entities), reorganization of criminal sentencing statutes, rules of construction for trusts, common interest development law, discovery improvements from other jurisdictions, review of criminal procedures under trial court unification, the Uniform Unincorporated Nonprofit Association Act, and the Uniform Trust Code. The Commission will also consider other subjects to the extent time permits.

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ASSEMBLY MEMBER HOWARD WAYNE

December 15, 2000

To: The Honorable Gray Davis
Governor of California, and
The Legislature of California

In conformity with Government Code Section 8293, the California Law Revision Commission herewith submits this report of its activities during 2000 and its plans for 2001.

Six bills introduced in 2000 to effectuate Commission recommendations were enacted. A two-year bill introduced in 1999 was also enacted. A bill on confidentiality of settlement negotiations was not enacted.

The Commission is grateful to the members of the Legislature who carried Commission-recommended bills:

- Senator William “Pete” Knight (trout affidavit)
- Senator Deborah Ortiz (confidentiality of settlement negotiations)
- Assembly Member Howard Kaloogian (alternate distributee for unclaimed distribution)
- Assembly Members Kevin Shelley and Sheila James Kuehl (Family Code enforcement)
- Assembly Member Howard Wayne (administrative rulemaking)
- Assembly Member Scott Wildman (eminent domain valuation evidence)
- Assembly Judiciary Committee (jurisdictional classification of good faith improver claims)
- Assembly Natural Resources Committee (air resources technical revisions)

The Commission held five two-day meetings and a one-day meeting during 2000. Meetings were held in Los Angeles, Sacramento, San Diego, and San Francisco.

Respectfully submitted,

David Huebner
Chairperson

2000-2001 ANNUAL REPORT

Introduction

The California Law Revision Commission was created in 1953 as the permanent successor to the Code Commission and given responsibility for a continuing substantive review of California statutory and decisional law.¹ The Commission studies the law to discover defects and anachronisms and recommends legislation to make needed reforms.

The Commission assists the Legislature in keeping the law up to date by:

- Intensively studying complex and sometimes controversial subjects
- Identifying major policy questions for legislative attention
- Gathering the views of interested persons and organizations
- Drafting recommended legislation for legislative consideration

The Commission's efforts enable the Legislature to focus on significant policy questions in a recommendation rather than on the technical issues, which can be resolved in the process of preparing background studies, working out intricate legal problems, and drafting implementing legislation. The Commission thus helps the Legislature accomplish needed reforms that otherwise might not be made because of the heavy demands on legislative time. In some cases, the Commission's report demonstrates that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

The Commission consists of:

- A Member of the Senate appointed by the Rules Committee
- A Member of the Assembly appointed by the Speaker
- Seven members appointed by the Governor with the advice and consent of the Senate
- The Legislative Counsel, who is an ex officio member

1. See Gov't Code §§ 8280-8298 (statute establishing Law Revision Commission) (Appendix 1 *infra* p. 681). See also *1955 Report* [Annual Report for 1954] at 7, 1 Cal. L. Revision Comm'n Reports (1957).

The Commission may study only topics that the Legislature has authorized. The Commission now has a calendar of 20 topics.²

The Commission has submitted 323 recommendations to the Legislature — 303 have been enacted in whole or in substantial part.³ Commission recommendations have resulted in the enactment of legislation affecting 19,778 sections of California law: 3,692 sections amended, 9,060 sections added, and 7,026 sections repealed.

The Commission's recommendations, reports, and other selected materials are published in softcover and later collected in hardcover volumes. Recent materials are also available through the Internet. A list of past publications and information on obtaining copies are at the end of this Annual Report.⁴

2001 Legislative Program

In 2001, the Commission plans to submit recommendations to the Legislature concerning the following subjects:

Administrative Law and Procedure

Rulemaking Under Penal Code Section 5058. The Commission will recommend tightening the procedures by which the Department of Corrections promulgates emergency regulations and pilot project regulations.

Administrative Rulemaking Cleanup. The Commission will recommend technical revisions in rulemaking procedure as a follow-up to recent revisions of the Administrative Procedure Act.

Civil Procedure and Judicial Administration

Trial Court Unification. The Commission will recommend correction of minor problems discovered as a result of trial court unification work, including: the authority to appoint receivers, cases in which a court reporter is required, elimination of unneces-

2. See list of topics in *Calendar of Topics Authorized for Study*, Appendix 2 *infra* p. 687.

3. See *Legislative Action on Commission Recommendations*, Appendix 3 *infra* p. 691.

4. See *Commission Publications*, Appendix 8 *infra* p. 731.

sary procedural differences between limited and unlimited civil cases (this project is subject to Judicial Council concurrence), expired pilot projects, composition of law library boards of trustees, and staying mechanic's lien enforcement pending arbitration.

Eminent Domain

Early Disclosure of Valuation Data and Resolution of Issues in Eminent Domain. The Commission will recommend a number of improvements in the law intended to facilitate resolution of eminent domain cases without the need for trial.

Estate Planning, Probate, and Trusts

Estate Planning During Dissolution of Marriage. The Commission will recommend clarification of the extent to which the automatic temporary restraining order in a marital dissolution proceeding affects the ability of the parties to execute estate planning documents.

Health Care Decisions Law. The Commission will recommend several minor substantive and technical revisions as a follow-up to the Health Care Decisions Law enacted on Commission recommendation in 1999. Amendments will address issues concerning capacity, the effect of informal surrogate designations on health care agents, the duration of surrogate designations, and potential liability of agents for funeral expenses.

Major Studies in Progress

During 2001, the Commission will work on the following major topics: mechanic's lien law, obsolete provisions resulting from trial court restructuring, implementation of Bankruptcy Code Chapter 9 (adjustment of debts of governmental entities), reorganization of criminal sentencing statutes, rules of construction for trusts, common interest development law, discovery improvements from other jurisdictions, review of criminal procedures under trial court unification, the Uniform Unincorporated Nonprofit Association Act, and the Uniform Trust Code. The Commission will also consider other subjects to the extent time permits.

Mechanic's Lien Law

The Assembly Judiciary Committee has asked the Commission to conduct a comprehensive review of mechanic's lien law and suggest areas for reform. The Commission has retained Gordon Hunt of Pasadena and James Acret of Pacific Palisades as consultants. The Commission is giving this matter its highest priority. The Commission has been focusing on issues concerning home improvement contracts, but plans to consider reform of the entire mechanic's lien and stop notice statute as the study progresses.

Statutes Rendered Obsolete by Trial Court Restructuring

The Legislature has directed the Commission to recommend repeal of statutes rendered obsolete by the Trial Court Employment Protection and Governance Act, the Lockyer-Isenberg Trial Court Funding Act of 1997, or the implementation of trial court unification. The Commission's report is due by January 1, 2002.

Bankruptcy Code Chapter 9 Implementation

The Commission will continue its study of California law implementing Bankruptcy Code Chapter 9, relating to adjustment of debts of governmental entities. Issues under consideration include whether California law should be revised to increase the options of state and local agencies and nonprofit corporations that administer government funded programs to elect Chapter 9 treatment. The Commission retained Professor Frederick Tung of the University of San Francisco Law School, who has prepared a background study.

Reorganization of Criminal Sentencing Statutes

The objective of this study is to propose a reorganization and clarification of the sentencing procedure statutes in order to make them more logical and understandable. The Commission is assisted in this project by Judge David Wesley of Los Angeles, Deputy District Attorney David Ross of Los Angeles, and Mark Overland of Santa Monica. The Commission has begun active consideration of this matter.

Rules of Construction for Trusts

Recent legislation has made the rules of construction for wills

applicable to trusts as well. However, the results of this approach to construction of trusts and other nonprobate transfer instruments are not always appropriate. The Commission is conducting a comprehensive review of the application of the rules of construction to trusts, and will recommend corrective legislation where appropriate. Professor William McGovern of UCLA Law School has prepared a background study.

Common Interest Development Law

The Commission will review the statutes affecting common interest housing developments with the goal of setting a clear, consistent, and unified policy regarding their formation and management and the transaction of real property interests located within them. The objective of the review is to clarify the law and eliminate unnecessary or obsolete provisions, to consolidate existing statutes in one place in the codes, and to determine to what extent common interest developments should be subject to regulation. The Commission has retained Professors Susan French of UCLA Law School and Roger Bernhardt of Golden Gate University Law School to prepare a report on the scope of this project. The Commission expects to begin active consideration of the matter early in 2001.

Discovery Improvements from Other Jurisdictions

The Commission in 2001 will begin a review of discovery developments in other jurisdictions to determine whether any of them may be appropriate models for improvement of discovery practice in California. Professor Gregory Weber of McGeorge Law School is preparing a background study for the Commission.

Review of Criminal Procedures Under Trial Court Unification

The Commission is conducting a review of basic court procedures under unification. In 2001, the Commission will begin a study to determine what, if any, changes should be made with respect to criminal procedures. The Commission has retained Professor Gerald Uelmen of Santa Clara University Law School to prepare a background study.

Uniform Unincorporated Nonprofit Association Act

The Commission has commenced work on a project to determine whether the Uniform Unincorporated Nonprofit Association Act should be adopted in California in whole or in part. The Commission is assisted by Professor Michael Hone of the University of San Francisco Law School. The Commission is working closely with the State Bar Nonprofit Organizations Committee.

Uniform Trust Code

The Commission in 2001 will begin a review of the Uniform Trust Code (2000) to determine whether any of its provisions that differ from California law should be adopted here. The Commission has engaged Professor David English of the University of Missouri Law School (Reporter for the Uniform Trust Code) to prepare a comparison of the uniform code with California law.

Other Subjects

The major studies in progress described above will dominate the Commission's time and resources during 2001. The Commission will consider other subjects as time permits, including judicial administration issues resulting from trial court unification, Evidence Code changes required by electronic communications, general assignments for the benefit of creditors, exhaustion of remedies and ripeness issues in inverse condemnation litigation, shifting of attorney fees between litigants, statutes of limitation in legal malpractice actions, and technical revisions in debtor-creditor law.

Calendar of Topics for Study

The Commission's calendar of topics is set out in Appendix 2.⁵ The Commission recommends revision of its calendar in 2001 to modify four authorized topics, delete one authorized topic, and add one new topic.

Modification of Previously Authorized Topics

The Commission recommends revision of its calendar in 2001 to modify four previously authorized topics:

5. See *infra* p. 687.

Creditors' remedies. The Commission's authority to study the law relating to creditors' remedies includes a specific reference to "civil arrest." The Commission has completed its work on civil arrest,⁶ and the recommended legislation to abolish civil arrest has been enacted.⁷ Since the Commission completed its work, the reference to civil arrest should be deleted from the calendar of topics.

Probate Code. The Commission's authority to study the California Probate Code is unduly limited, since some estate planning and probate issues fall under other codes, such as the Civil Code or Family Code. The authority to study the Probate Code should be expanded to include "related matters."

Real and personal property. The Commission's authority to study the law relating to real and personal property includes specific references to "possibilities of reverter," "Section 1464 of the Civil Code," and "powers of appointment." The Commission has completed its work on each of these matters, and the recommended legislation has been enacted.⁸ The references to them should be deleted from the calendar of topics.⁹

Arbitration. The Commission's authority to study arbitration is unduly limited, since modern alternative dispute techniques encompass other procedures, such as mediation. The authority to study the law relating to arbitration should be expanded to include "mediation, and other alternative dispute resolution techniques."

6. See *Recommendation and Study Relating to Civil Arrest*, 11 Cal. L. Revision Comm'n Reports 1 (1973).

7. 1973 Cal. Stat. ch. 20. See 11 Cal. L. Revision Comm'n Reports 1123 (1973).

8. See *Recommendation Relating to Marketable Title of Real Property*, 16 Cal. L. Revision Comm'n Reports 401 (1982), enacted by 1982 Cal. Stat. ch. 1268; *Repeal of Civil Code Section 1464: The First Rule in Spencer's Case*, 26 Cal. L. Revision Comm'n Reports 29 (1996), enacted by 1998 Cal. Stat. ch. 14 (Section 1464 of the Civil Code); *Relocation of Powers of Appointment Statute*, 21 Cal. L. Revision Comm'n Reports 91 (1991), enacted by 1992 Cal. Stat. ch. 30.

9. Although future work with powers of appointment may be appropriate, this is already covered by the Commission's Probate Code authority.

Deletion of Previously Authorized Topic: Environment Code

The Commission's calendar of topics includes a study of "[w]hether the laws within the various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes." After extensive inquiry into this question, the Commission concluded that it would be inadvisable to attempt the contemplated statutory reorganization. The Commission has submitted a report to the Legislature indicating its intention not to proceed with the proposed Environment Code.¹⁰ The authority to study this matter should be deleted from the Commission's calendar of topics.

Addition of New Topic: Subdivision Map Act and Mitigation Fee Act

The Subdivision Map Act (Gov't Code §§ 66410-66499.37) is a statutory framework under which a local public entity regulates land use and development within its jurisdiction by controlling the design and improvement of subdivisions. The purposes of the law include uniformity of mapping procedures (for conveyancing and title insurance regularity), regulation and control of development (for consumer protection), and dedication of land within a subdivision, such as for streets, sewers, and parks (to ensure public use and protect the public from undue maintenance burdens).

The Mitigation Fee Act (Gov't Code §§ 66000-66025) governs imposition of fees by a local public entity as a condition of approval of a development project. There is a need to redraft and reorganize these complex provisions, and to resolve inconsistencies, fill gaps, and rationalize the provisions, in order to make them easier to work with. In addition, practices and procedures have developed under these statutes that are not reflected in the statutory text; existing practices and procedures should be codified so that they are clear and have a statutory basis.

The Commission's calendar of topics should be expanded to include a study of "[w]hether the Subdivision Map Act (Govern-

10. *Reorganization of Environmental and Natural Resource Statutes*, 29 Cal. L. Revision Comm'n Reports 401 (1999).

ment Code Sections 66410 to 66499.37) and the Mitigation Fee Act (Government Code Sections 66000 to 66025) should be revised to improve their organization, resolve inconsistencies, fill gaps, clarify and rationalize provisions, codify accepted practices and procedures, and related matters.”

Function and Procedure of Commission

The principal duties of the Commission¹¹ are to:

- (1) Examine the common law and statutes for the purpose of discovering defects and anachronisms.
- (2) Receive and consider suggestions and proposed changes in the law from the American Law Institute, the National Conference of Commissioners on Uniform State Laws,¹² bar associations, and other learned bodies, and from judges, public officials, lawyers, and the public generally.
- (3) Recommend such changes in the law as it deems necessary to bring California law into harmony with modern conditions.¹³

The Commission is required to file a report at each regular session of the Legislature containing a calendar of topics selected by it for study, listing both studies in progress and topics intended for future consideration. Under its general authority, the Commission may study only topics that the Legislature, by concurrent resolution, authorizes for study.¹⁴ However, the Commission may study

11. Gov’t Code §§ 8280-8298 (statute governing California Law Revision Commission). See Appendix 1 *infra* p. 681.

12. The Legislative Counsel, an ex officio member of the Law Revision Commission, serves as a Commissioner of the Commission on Uniform State Laws. See Gov’t Code § 8261. The Commission’s Executive Secretary serves as an Associate Member of the National Conference of Commissioners on Uniform State Laws.

13. Gov’t Code § 8289. The Commission is also directed to recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the California Supreme Court or the United States Supreme Court. Gov’t Code § 8290. See “Report on Statutes Repealed by Implication or Held Unconstitutional” *infra* p. 677.

14. Gov’t Code § 8293.

and recommend revisions to correct technical or minor substantive defects in state statutes without a prior concurrent resolution.¹⁵ Additionally, some statutes directly confer authority to study particular subjects.¹⁶

Background Studies

The Commission's work on a recommendation typically begins after a background study has been prepared. The background study may be prepared by a member of the Commission's staff or by a specialist in the field who is retained as a consultant.¹⁷ Law professors and practicing attorneys who serve as consultants have already acquired the considerable knowledge necessary to understand the

15. Gov't Code § 8298.

16. Code of Civil Procedure Section 703.120 requires the Commission to review statutes providing for exemptions from enforcement of money judgments every 10 years and to recommend any needed revisions. The next report will be due in 2003.

Government Code Section 70219 requires the Commission, in consultation with the Judicial Council, to perform follow-up studies taking into consideration the experience in courts that have unified. For a list of specific studies, see *Trial Court Unification: Revision of Codes*, 28 Cal. L. Revision Comm'n Reports 51, 82-86 (1998). For a status update, see *Trial Court Unification: Issues Identified for Future Study*, 30 Cal. L. Revision Comm'n Reports 507 (2000).

Statutory authority may not be codified. See, e.g., 1996 Cal. Stat. ch. 856, § 12 (study of revisions of Public Utilities Code resulting from utility deregulation, in consultation with Public Utilities Commission).

17. The following persons serve as Commission consultants: James E. Acret, Thelen, Reid & Priest, Pacific Palisades; Prof. Michael Asimow, UCLA Law School; Prof. Roger Bernhardt, Golden Gate University School of Law; Prof. Robert K. Best, McGeorge School of Law, Pacific Legal Foundation; Prof. David M. English, University of Missouri Law School; Prof. Susan F. French, UCLA Law School; David Gould, McDermott, Will & Emery, Los Angeles; Judge Joseph B. Harvey (ret.), Susanville; Prof. Michael Hone, University of San Francisco School of Law; Gordon Hunt, Hunt, Ortmann, Blasco, Palffy & Rossell, Pasadena; Prof. Gideon Kanner, Berger & Norton, Burbank (formerly with Loyola Law School); Prof. J. Clark Kelso, McGeorge School of Law, Institute for Legislative Practice; Prof. William M. McGovern, UCLA Law School; Prof. Miguel A. Mendez, Stanford Law School; Mark Overland, Overland & Gits, Santa Monica; David Ross, Deputy District Attorney, Los Angeles; Prof. Frederick Tung, University of San Francisco School of Law; Prof. Gerald F. Uelmen, Santa Clara University School of Law; Prof. Gregory S. Weber, McGeorge School of Law; Judge David S. Wesley, Los Angeles Superior Court.

specific problems under consideration, and they receive little more than an honorarium for their services. From time to time, expert consultants are also retained to advise the Commission at meetings.

Recommendations

After making its preliminary decisions on a subject, the Commission ordinarily distributes a tentative recommendation to interested persons and organizations, including the State Bar, local and specialized bar associations, public interest organizations, and business and professional associations. Notice of the availability of the tentative recommendation is mailed to interested persons on the Commission's mailing list and publicized in legal newspapers and other relevant publications. Notice is also posted on the Commission's website and emailed to interested persons.

Comments received on the tentative recommendation are considered by the Commission in determining what recommendation, if any, will be made to the Legislature. When the Commission has reached a conclusion on the matter, its recommendation¹⁸ to the Legislature (including a draft of any necessary legislation) is published and distributed in printed form and in digital form on the Internet. If a background study has been prepared in connection with the recommendation, it may be published by the Commission or in a law review.¹⁹

18. Occasionally one or more members of the Commission may not join in all or part of a recommendation submitted to the Legislature by the Commission. Dissents are noted in the minutes of the meeting at which the recommendation is approved.

19. For relatively recent background studies published in law reviews, see Asimow, *The Scope of Judicial Review of Decisions of California Administrative Agencies*, 42 UCLA L. Rev. 1157 (1995); Asimow, *Toward a New California Administrative Procedure Act: Adjudication Fundamentals*, 39 UCLA L. Rev. 1067 (1992); Kasner, *Donative and Interspousal Transfers of Community Property in California: Where We Are (or Should Be) After MacDonald*, 23 Pac. L.J. 361 (1991). A revised version of Prof. Fellmeth's background study on unfair competition litigation was published as Fellmeth, *Unfair Competition Act Enforcement by Agencies, Prosecutors, and Private Litigants: Who's on First?*, 15 Cal. Reg. L. Rep. 1 (Winter 1995).

For a list of background studies published in law reviews before 1991, see 10 Cal. L. Revision Comm'n Reports 1108 n.5 (1971); 11 Cal. L. Revision

Official Comments

The Commission ordinarily prepares an official Comment explaining each section it recommends for enactment, amendment, or repeal. These Comments are included in the Commission's printed recommendations. Comments may be revised by the Commission in later reports to reflect amendments made in the legislative process.²⁰ Reports provide background with respect to Commission intent in proposing the legislation, such intent being reflected in the Comments to the various sections of the bill contained in the Commission's recommendation, except to the extent that new or revised Comments are set out in the report on the bill as amended.²¹

A Comment indicates the derivation of a section and often explains its purpose, its relation to other sections, and potential issues concerning its meaning or application. The Comments are legislative history and are entitled to substantial weight in construing

Comm'n Reports 1008 n.5, 1108 n.5 (1973); 13 Cal. L. Revision Comm'n Reports 1628 n.5 (1976); 16 Cal. L. Revision Comm'n Reports 2021 n.6 (1982); 17 Cal. L. Revision Comm'n Reports 819 n.6 (1984); 18 Cal. L. Revision Comm'n Reports 212 n.17, 1713 n.20 (1986); 19 Cal. L. Revision Comm'n Reports 513 n.22 (1988); 20 Cal. L. Revision Comm'n Reports 198 n.16 (1990).

20. Many amendments are made on Commission recommendation to address matters brought to the Commission's attention after publication of its recommendation. In some cases, however, a bill may be amended in a way that the Commission believes is not desirable and does not recommend.

21. For an example of such a report, see Appendix 4 *infra* p. 717. Reports containing new or revised Comments are printed in the next Annual Report following enactment of a recommendation, and may be found by reference to the *Cumulative Table of Sections Affected by Commission Recommendations* included in each bound volume of the Commission's reports. For a description of legislative committee reports adopted in connection with the bill that became the Evidence Code, see *Arellano v. Moreno*, 33 Cal. App. 3d 877, 884, 109 Cal. Rptr. 421, 426 (1973).

On rare occasions, the Commission will approve revised Comments to make important editorial changes or correct obvious errors in past Comments, or where Comments have become inaccurate due to changes in cross-referenced provisions or other revisions. See, e.g., *Report of the California Law Revision Commission on Corrected Probate Code Comments*, Appendix 8 to the *Annual Report for 1991*, 21 Cal. L. Revision Comm'n Reports 1, 75 (1991).

ing the statutory provisions.²² However, while the Commission endeavors in Comments to explain any changes in the law made by a section, the Commission does not claim that every inconsistent case is noted in the Comments, nor can it anticipate judicial conclusions as to the significance of existing case authorities.²³ Hence, failure to note a change in prior law or to refer to an inconsistent judicial decision is not intended to, and should not, influence the construction of a clearly stated statutory provision.²⁴

Comments are provided to legislative committee members and staff before a bill is heard and throughout the legislative process. Comments are provided to the Governor's office once a bill has passed the Legislature and is before the Governor for action.

22. E.g., *People v. Martinez*, 22 Cal. 4th 106, 129, 990 P.2d 563, 91 Cal. Rptr. 2d 687, 704 (2000); *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968); *Catch v. Phillips*, 73 Cal. App. 4th 648, 654-55, 86 Cal. Rptr. 2d 584, 588 (1999). See also *Milligan v. City of Laguna Beach*, 34 Cal. 3d 829, 831, 670 P.2d 1121, 1122, 196 Cal. Rptr. 38, 39 (1983); *Juran v. Epstein*, 23 Cal. App. 4th 882, 893-94, 28 Cal. Rptr. 2d 588, 594 (1994); *Barkley v. City of Blue Lake*, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315, 318-19 n.3 (1993). The Commission concurs with the opinion of the court in *Juran* that staff memorandums to the Commission should not be considered as legislative history. *Id.* at 894 n.5, 28 Cal. Rptr. 2d at 594 n.5.

Courts may also rely on the explanatory text of a Commission recommendation. See, e.g., *Vournas v. Fidelity Nat'l Title Ins. Co.*, 73 Cal. App. 4th 668, 673 n.4, 86 Cal. Rptr. 2d 490, 493-94 n.4 (1999). In a recent case, the Supreme Court gave weight to a Commission recommendation, as the "opinion of a learned panel," even though the recommendation has not been enacted. *Sierra Club v. San Joaquin Local Agency Formation Comm'n*, 21 Cal. 4th 489, 502-03, 981 P.2d 543, 87 Cal. Rptr. 2d 701, 711-12 (1999).

Commission Comments are published by Lexis Law Publishers and West Publishing Company in their print and CD-ROM editions of the annotated codes, and printed in selected codes prepared by other publishers. Comments are also available on Westlaw and Lexis.

23. See, e.g., *Arellano v. Moreno*, 33 Cal. App. 3d 877, 109 Cal. Rptr. 421 (1973).

24. The Commission does not concur in the *Kaplan* approach to statutory construction. See *Kaplan v. Superior Court*, 6 Cal. 3d 150, 158-59, 491 P.2d 1, 5-6, 98 Cal. Rptr. 649, 653-54 (1971). For a reaction to the problem created by the *Kaplan* approach, see *Recommendation Relating to Erroneously Ordered Disclosure of Privileged Information*, 11 Cal. L. Revision Comm'n Reports 1163 (1973); 1974 Cal. Stat. ch. 227.

Publications

Commission publications are distributed to the Governor, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Counsel.²⁵ Commission materials are also distributed to interest groups, lawyers, law professors, courts, district attorneys, and law libraries throughout the state. A large number of interested persons is given an opportunity to study and comment on the Commission's work before it is considered for enactment by the Legislature.²⁶

The Commission's reports, recommendations, and studies are republished in hardcover volumes that serve as a permanent record of the Commission's work and, it is believed, a valuable contribution to the legal literature of California. These volumes are available at many county law libraries and at some other libraries. Over half of the hardcover volumes are out of print, but others are available for purchase.²⁷

Electronic Publication and Internet Access

Since June 1995, the Commission has provided a variety of information on the Internet, including online material and downloadable files.²⁸ Interested persons with Internet access can find the current agenda, meeting minutes, background studies, tentative and final recommendations, staff memorandums, and general background information.

Electronic Mail

Email commenting on Commission proposals or suggesting

25. See Gov't Code § 8291 (for limitations on Section 8291, see Gov't Code 9795, 11094-11099).

26. For a step-by-step description of the procedure followed by the Commission in preparing the 1963 governmental liability statute, see DeMouly, *Fact Finding for Legislation: A Case Study*, 50 A.B.A. J. 285 (1964). The procedure followed in preparing the Evidence Code is described in 7 Cal. L. Revision Comm'n Reports 3 (1965). See also Quillinan, *The Role and Procedures of the California Law Revision Commission in Probate and Trust Law Changes*, 8 Est. Plan. & Cal. Prob. Rep. 130-31 (Cal. Cont. Ed. Bar 1987).

27. See *Commission Publications*, Appendix 8 *infra* p. 731.

28. The URL for the Commission's website is <<http://www.clrc.ca.gov>>.

issues for study is given the same consideration as letter correspondence, if the email message includes the name and regular mailing address of the sender. Email to the Commission may be sent to *commission@clrc.ca.gov* or to *staff@clrc.ca.gov*.

The Commission distributes about two-thirds of its tentative and final meeting agendas through email and also gives notice of the availability of tentative recommendations and printed reports by email. The Commission encourages use of email as an inexpensive and expedient means of communication with the Commission.

MCLE Credit

The Commission is approved by the State Bar of California as a minimum continuing legal education provider. Participants and attendees at Commission meetings may be eligible to receive MCLE credit. To receive credit for participation or attendance at a meeting, a person must register at the meeting. Meeting materials are available free of charge on the Internet²⁹ or may be purchased in advance from the Commission.

29. See "Electronic Publication and Internet Access" *supra* p. 668.

Personnel of Commission

On December 15, 2000, the following persons were members of the Law Revision Commission:

Legislative Members ³⁰

Assembly Member Howard Wayne, San Diego
 Senator Bill Morrow, San Juan Capistrano

Members Appointed by Governor ³¹

	<i>Term Expires</i>
David Huebner, Los Angeles	October 1, 2003
<i>Chairperson</i>	
Joyce G. Cook, Los Angeles	October 1, 2003
<i>Vice Chairperson</i>	
Sanford M. Skaggs, Walnut Creek	October 1, 2001
<i>Vacancy</i>	October 1, 2001
<i>Vacancy</i>	October 1, 2001
<i>Vacancy</i>	October 1, 2003
<i>Vacancy</i>	October 1, 2003

Legislative Counsel ³²

Bion M. Gregory, Sacramento

In December 1999, Joyce G. Cook and David Huebner, both of Los Angeles, were appointed to the Commission by Governor Gray Davis, succeeding former Commissioners Robert E. Cooper and Edwin K. Marzec, respectively.

30. The Senate and Assembly members of the Commission serve at the pleasure of their respective appointing powers, the Senate Committee on Rules and the Speaker of the Assembly. Gov't Code § 8281.

31. Seven Commission members are appointed by the Governor with the advice and consent of the Senate. Gov't Code § 8281. These Commissioners serve staggered four-year terms. *Id.* The provision in Government Code Section 8281 to the effect that Commission members appointed by the Governor hold office until the appointment and qualification of their successors has been superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

32. The Legislative Counsel serves on the Commission by virtue of office. Gov't Code § 8281.

In May 2000, Senator Bill Morrow of San Juan Capistrano, was appointed by the Senate Rules Committee to fill the Senate seat on the Commission, succeeding former Senator (now Judge) Quentin Kopp.

Effective September 1, 2000, the Commission elected David Huebner as Chairperson (succeeding Assembly Member Howard Wayne), and Joyce G. Cook as Vice Chairperson (succeeding Sanford M. Skaggs). The terms of the new officers end August 31, 2001.

The following persons are on the Commission's staff:

Legal

Nathaniel Sterling	Stan Ulrich	
<i>Executive Secretary</i>	<i>Assistant Executive Secretary</i>	
Barbara S. Gaal	Brian P. Hebert	Lynne I. Urman
<i>Staff Counsel</i>	<i>Staff Counsel</i>	<i>Staff Counsel</i>

Administrative-Secretarial

Glista Guilford	Victoria V. Matias
<i>Administrative Assistant</i>	<i>Secretary</i>

In December 2000, Lynne I. Urman was hired to fill a vacant staff counsel position. Ms. Urman has joined the Commission's Sacramento branch office at McGeorge Law School.

In October 2000, Lauren M. Trevathan left her position as the Commission's administrative assistant for a job in Sacramento. In November 2000, Glista Guilford was hired as the new administrative assistant in the Palo Alto main office.

During the spring of 2000, Alex P. Mayer, a student at the University of Santa Clara Law School, worked for the Commission, and McGeorge law student Robert B. McLeod performed legal research for the Commission through the work study program. Legal work for the Commission was also performed by law students in the Institute for Legislative Practice at McGeorge Law School under the direction of Professor J. Clark Kelso.

Commission Budget

The Commission's operations are funded from the state general fund. The amount appropriated to the Commission for the 2000-01 fiscal year from the general fund is \$627,000. This is supplemented by \$15,000 budgeted for income generated from sale of documents to the public, representing reimbursement for the production and shipping cost of the documents.

The Commission receives substantial donations of necessary library materials from the legal publishing community, especially California Continuing Education of the Bar, Lexis Law Publishers, and West Publishing Company. The Commission receives additional library materials from other legal publishers and from other law reform agencies on an exchange basis, and has full access to the Stanford University Law Library and the McGeorge Law School Library. The Commission is grateful for their contributions.

Other Activities

The Commission is directed by statute to cooperate with bar associations and other learned, professional, or scientific associations, institutions, or foundations in any manner suitable for the fulfillment of the purposes of the Commission.³³

Commissioner Activities

Assembly Member Howard Wayne, then Commission Chairperson, addressed the California-Nevada Lumber Association concerning the Commission's work in the spring of 2000.

National Conference of Commissioners on Uniform State Laws

The Commission is directed by statute to receive and consider proposed changes in the law recommended by the National Conference of Commissioners on Uniform State Laws.³⁴ The Commission's Assembly Member, Howard Wayne, and the Legislative Counsel and Commission member, Bion Gregory, are also members of the California Commission on Uniform State Laws. The

33. Gov't Code § 8296.

34. Gov't Code § 8289.

Commission's Executive Secretary, Nathaniel Sterling, is an associate member of the National Conference of Commissioners on Uniform State Laws. They attended the National Conference in St. Augustine, Florida, in July 2000. Matters considered at the conference included uniform acts on trusts and disclaimer of property interests.

The Executive Secretary also continued service on the drafting committee for the Uniform Trust Code (2000). The uniform code is derived from the California Trust Law, a national model enacted on recommendation of the Commission.³⁵

Continuing Legal Education

In September, the Assistant Executive Secretary, Stan Ulrich, served on a Continuing Education of the Bar panel for three sessions in the Bay Area on "Planning for Health Care Decisions Under the New Law." The program materials for the statewide CEB course were largely comprised of the Commission's report on the new law.³⁶

The Executive Secretary spoke at CLE International's Conference on Eminent Domain in San Francisco in November, on the topic "Proposed Legislative Changes: Eminent Domain Issues Before the California Law Revision Commission."

Bar Associations

The Assistant Executive Secretary delivered addresses on the Health Care Decisions Law to a conference of the Northern California Section of the National Academy of Elder Law Attorneys, meeting in San Francisco in March, and the Elder Law and Estate Planning Committees of the Alameda County Bar Association, meeting in Oakland in April.

35. See *Recommendation Proposing the Trust Law*, 18 Cal. L. Revision Comm'n Reports 501, 519 (1986) (enacted by 1986 Cal. Stat. ch. 820). See also 18 Cal. L. Revision Comm'n Reports 1207 (1986) (Trust Law as enacted, with revised Comments).

36. Excerpted from *2000 Health Care Decisions Law and Revised Power of Attorney Law*, 30 Cal. L. Revision Comm'n Reports 1 (2000).

Other Staff Activities

In February, Staff Counsel Brian Hebert served as a moot court judge at McGeorge Law School.

On September 25, the Assistant Executive Secretary presented a progress report on the Commission's study of mechanic's lien law to the Assembly Select Committee on Construction Fraud, chaired by Assembly Member Mike Honda, which met in Los Angeles.

In October, the Assistant Executive Secretary participated in a panel discussion of the Health Care Decisions Law at a day-long seminar sponsored by the Senior Legal Hotline in Sacramento.

The Assistant Executive Secretary has continued working on health care decisionmaking issues with the Professional Education Workgroup of the California Coalition for Compassionate Care in Sacramento, and the Medical Decisionmaking Taskforce of the Santa Clara County Medical Association Bioethics Committee.

Articles

The Executive Secretary wrote an article on the role of the Commission in probate law reform.³⁷ The Commission's administrative law consultant, Professor Michael Asimow of UCLA Law School, wrote an article on the Commission's administrative law revision project.³⁸

37. Sterling, *The California Law Revision Commission and Probate and Trust Law Reform*, Cal. Tr. & Est. Q., Fall 2000, at 13.

38. Asimow, *Speed Bumps on the Road to Administrative Law Reform in California and Pennsylvania*, 8 Widen. J. Pub. L. 229 (1999).

Legislative History of Recommendations in the 2000 Legislative Session

The Commission's recommendations were included in eight bills recommended for enactment in the 2000 legislative session. Seven bills were enacted. One bill was not enacted.

Alternate Distributee for Unclaimed Distribution

Assembly Bill 1491 (2000 Cal. Stat. ch. 17) was introduced by Assembly Member Howard Kaloogian, and included language to effectuate the Commission recommendation on *Alternate Distributee for Unclaimed Distribution*, 29 Cal. L. Revision Comm'n Reports 743 (1999). The recommendation was enacted as submitted.

Trout Affidavit (Repeal of Fish & Game Code § 2357)

Senate Bill 1487 (2000 Cal. Stat. ch. 167) was introduced by Senator William Knight to effectuate the Commission recommendation on the *Trout Affidavit*, 30 Cal. L. Revision Comm'n Reports 319 (2000). The recommendation was enacted as submitted.

Good Faith Improver Claims

Assembly Bill 1669 (2000 Cal. Stat. ch. 688) was introduced by the Assembly Judiciary Committee, and included language to effectuate the Commission recommendation on *Jurisdictional Classification of Good Faith Improver Claims*, 30 Cal. L. Revision Comm'n Reports 281 (2000). The recommendation was enacted as submitted.

Family Code Enforcement

Assembly Bill 1358 (2000 Cal. Stat. ch. 808) was introduced by the Assembly Judiciary Committee, and included language to effectuate the Commission recommendation on *Enforcement of Judgments Under the Family Code: Technical Revisions*, 29 Cal. L. Revision Comm'n Reports 695 (1999). The recommendation was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 808 of the Statutes of 2000 (Assembly Bill 1358)*, 30 Cal. L. Revision Comm'n Reports 717 (2000) (Appendix 4 *infra* pp. 717-20).

Air Resources Technical Revisions

Assembly Bill 2939 (2000 Cal. Stat. ch. 890) was introduced by the Assembly Natural Resources Committee, and included language to effectuate the Commission recommendation on *Air Resources Technical Revisions*, 29 Cal. L. Revision Comm'n Reports 409 (1999). The bill was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 890 of the Statutes of 2000 (Assembly Bill 2939)*, 30 Cal. L. Revision Comm'n Reports 721 (2000) (Appendix 5 *infra* p. 721).

Eminent Domain Valuation Evidence

Assembly Bill 321 (2000 Cal. Stat. ch. 948) was a two-year bill introduced in 1999 by Assembly Member Scott Wildman, and included language to effectuate the Commission recommendation on *Eminent Domain Valuation Evidence: Clarification of Evidence Code Section 822*, 29 Cal. L. Revision Comm'n Reports 733 (1999). The bill was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 948 of the Statutes of 2000 (Assembly Bill 321)*, 30 Cal. L. Revision Comm'n Reports 723 (2000) (Appendix 6 *infra* p. 723).

Administrative Rulemaking

Assembly Bill 1822 (2000 Cal. Stat. ch. 1060) was introduced by Assembly Member Howard Wayne to effectuate the Commission recommendations on *Administrative Rulemaking*, 29 Cal. L. Revision Comm'n Reports 459 (1999), and *Improving Access to Rule-making Information Under the Administrative Procedure Act*, 30 Cal. L. Revision Comm'n Reports 517 (2000). The bill was enacted after a number of amendments were made. See *Report of the California Law Revision Commission on Chapter 1060 of the Statutes of 2000 (Assembly Bill 1822)*, 30 Cal. L. Revision Comm'n Reports 725 (2000) (Appendix 7 *infra* pp. 725-30).

Confidentiality of Settlement Negotiations

Senate Bill 1370 was introduced by Senator Deborah Ortiz to effectuate the Commission recommendation on *Admissibility, Discoverability, and Confidentiality of Settlement Negotiations*, 29

Cal. L. Revision Comm'n Reports 345 (1999). The bill was not enacted.

Resolution Authorizing Topics for Study

Assembly Concurrent Resolution 17 (1999 Cal. Stat. res. ch. 81) was introduced in 1999 by Assembly Member Howard Wayne.³⁹ It continued the Commission's authority to study 16 topics previously authorized, removed five topics,⁴⁰ and added four new topics.⁴¹

Report on Statutes Repealed by Implication or Held Unconstitutional

Government Code Section 8290 provides:

The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

Pursuant to this directive, the Commission has reviewed the decisions of the United States Supreme Court and the California Supreme Court published since the Commission's last Annual Report was prepared⁴² and has the following to report:

- No decision holding a state statute repealed by implication has been found.
- No decision of the California Supreme Court holding a state statute unconstitutional has been found.⁴³

39. The Commission did not seek a new resolution in 2000 because no changes were needed in the ongoing authority to study topics under ACR 17. See Gov't Code § 8293 (report on topics at each session of Legislature).

40. See *1998-1999 Annual Report*, 28 Cal. L. Revision Comm'n Reports 679, 692-93 (1998).

41. *Id.* at 693-96.

42. This study has been carried through 24 Cal. 4th 433 and 121 S. Ct. 335 (1999-2000 Term).

43. One decision of the California Supreme Court held that Section 24, Fifth, of the National Bank Act, 12 U.S.C. § 24, Fifth, as impliedly amended by Title VII and the Age Discrimination in Employment Act (ADEA), preempts the California Fair Employment and Housing Act (FEHA), Gov't Code §§ 12900-

- Two decisions of the United States Supreme Court holding a state statute unconstitutional have been found.

In *Hunt-Wesson, Inc. v. Franchise Tax Board*,⁴⁴ the United States Supreme Court held that the interest deduction limitation provided in Revenue and Taxation Code Section 24344 amounts to an impermissible tax of a multistate corporation's "nonunitary" income in violation of the Due Process and Commerce Clauses of the United States Constitution.

In *California Democratic Party v. Jones*,⁴⁵ the United States Supreme Court held that California's "blanket" primary,⁴⁶ in which voters can vote for any candidate regardless of party affiliation, violates a political party's First Amendment right of association.⁴⁷

Recommendations

The Law Revision Commission respectfully recommends that the Legislature authorize the Commission to complete its study of the topics previously authorized,⁴⁸ subject to the additions, deletions, and revisions requested.⁴⁹

Pursuant to the mandate imposed by Government Code Section

12995, to the extent of a conflict and no further. In *Peatros v. Bank of America*, 22 Cal. 4th 147, 990 P.2d 539, 91 Cal. Rptr. 2d 659 (2000), the court found that Section 24, Fifth does not preempt FEHA to the extent that, like Title VII and the ADEA, FEHA confers on officers of a national bank a right against dismissal on the ground of race, religious creed, color, national origin, sex, age, or ancestry, and any remedy for a violation of such right is limited to those available under Title VII and the ADEA. To the extent, however, that FEHA provides other grounds for recovery or other forms of relief, the court found that FEHA would be preempted.

44. 120 S. Ct. 1022 (2000).

45. 120 S. Ct. 2402 (2000).

46. Proposition 198 (approved March 26, 1996), codified as Elec. Code §§ 2001, 2151, 13102, 13203, 13206, 13230, 13300, 13301, 13302.

47. Legislation repealing the amendments made by Proposition 198 and reenacting provisions similar to those in effect prior to 1996 providing for a "closed" partisan primary has been enacted. 2000 Cal. Stat. ch. 898 (SB 28).

48. See *Calendar of Topics Authorized for Study*, Appendix 2 *infra* p. 687.

49. See "Calendar of Topics for Study" *supra* p. 660.

8290, the Commission recommends the repeal of the provisions referred to in the “Report on Statutes Repealed by Implication or Held Unconstitutional,” *supra*, to the extent they have been held unconstitutional and have not been amended or repealed.

APPENDIX 1

STATUTE GOVERNING THE CALIFORNIA LAW REVISION COMMISSION

GOVERNMENT CODE SECTIONS 8280-8298*

§ 8280. Creation

8280. There is created in the State Government the California Law Revision Commission.

§ 8281. Membership

8281. The commission consists of one Member of the Senate appointed by the Committee on Rules, one Member of the Assembly appointed by the Speaker, and seven additional members appointed by the Governor with the advice and consent of the Senate. The Legislative Counsel shall be an ex officio member of the commission.

The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power and shall participate in the activities of the commission to the extent that the participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this article, those Members of the Legislature shall constitute a joint interim investigating committee on the subject of this article and as a joint interim investigating committee shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

* Added by 1984 Cal. Stat. ch. 1335, § 2; see also 1985 Cal. Stat. ch. 106, § 45 (amending Section 8295); 1989 Cal. Stat. ch. 152, § 1 (adding Section 8298). Formerly Gov't Code §§ 10300-10340, added by 1953 Cal. Stat. ch. 1445, § 2; amended by 1960 Cal. Stat. ch. 61, § 1 (1st Ex. Sess.); 1965 Cal. Stat. ch. 371, § 110; 1978 Cal. Stat. ch. 228, § 1; 1981 Cal. Stat. ch. 1106, § 2.

The members appointed by the Governor shall be appointed for a term of four years and shall hold office until the appointment and qualification of their successors. The terms of the members first appointed shall not commence earlier than October 1, 1953, and shall expire as follows: four on October 1, 1955, and three on October 1, 1957. When a vacancy occurs in any office filled by appointment by the Governor, he or she shall appoint a person to the office, who shall hold office for the balance of the unexpired term of his or her predecessor.

Note. The provision in the third paragraph to the effect that Commission members appointed by the Governor hold office until appointment and qualification of their successors is superseded by the rule in Government Code Section 1774 declaring a vacancy if there is no reappointment 60 days following expiration of the term of office. See also Gov't Code § 1774.7 (Section 1774 overrides contrary special rules unless specifically excepted).

§ 8282. Compensation and expenses

8282. (a) The members of the commission shall serve without compensation, except that each member appointed by the Governor shall receive fifty dollars (\$50) for each day's attendance at a meeting of the commission.

(b) In addition, each member shall be allowed actual expenses incurred in the discharge of his or her duties, including travel expenses.

Note. Government Code Section 11564.5 provides a per diem compensation of \$100, notwithstanding any other provision of law.

§ 8283. Chairperson

8283. The commission shall select one of its members chairperson.

§ 8284. Executive secretary

8284. The commission may appoint an executive secretary and fix his or her compensation, in accordance with law.

§ 8285. Employees

8285. The commission may employ and fix the compensation, in accordance with law, of such professional, clerical and other assistants as may be necessary.

§ 8286. Assistance of state

8286. The material of the State Library shall be made available to the commission. All state agencies, and other official state organizations, and all persons connected therewith shall give the commission full information, and reasonable assistance in any matters of research requiring recourse to them, or to data within their knowledge or control.

§ 8287. Assistance of bar

8287. The Board of Governors of the State Bar shall assist the commission in any manner the commission may request within the scope of its powers or duties.

§ 8288. Political activities of commissioners and staff

8288. No employee of the commission and no member appointed by the Governor shall, with respect to any proposed legislation concerning matters assigned to the commission for study pursuant to Section 8293, advocate the passage or defeat of the legislation by the Legislature or the approval or veto of the legislation by the Governor or appear before any committee of the Legislature as to such matters unless requested to do so by the committee or its chairperson. In no event shall an employee or member of the commission appointed by the Governor advocate the passage or defeat of any legislation or the approval or veto of any legislation by the Governor, in his or her official capacity as an employee or member.

§ 8289. Duties of commission

8289. The commission shall, within the limitations imposed by Section 8293:

(a) Examine the common law and statutes of the state and judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.

(b) Receive and consider proposed changes in the law recommended by the American Law Institute, the National Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies.

(c) Receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(d) Recommend, from time to time, such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state into harmony with modern conditions.

§ 8290. Unconstitutional and impliedly repealed statutes

8290. The commission shall recommend the express repeal of all statutes repealed by implication, or held unconstitutional by the Supreme Court of the state or the Supreme Court of the United States.

§ 8291. Submission and distribution of reports

8291. The commission shall submit its reports, and its recommendations as to revision of the laws, to the Governor and the Legislature, and shall distribute them to the Governor, the Members of the Legislature, and the heads of all state departments.

Note. Section 8291 is limited by later-enacted rules governing distribution of state reports set out in Government Code Sections 9795 and 11094-11099.

§ 8292. Contents of reports

8292. The commission may, within the limitations imposed by Section 8293, include in its report the legislative measures proposed by it to effect the adoption or enactment of the proposed revision. The reports may be accompanied by exhibits of various changes, modifications, improvements, and suggested enactments prepared or proposed by the commission with a full and accurate index thereto.

§ 8293. Calendar of topics

8293. The commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress and a list of topics intended for future consideration. After the filing of its first report the commission shall confine its studies to those topics set forth in the calendar contained in its last preceding report which are thereafter approved for its study by concurrent resolution of the Legislature. The commission shall also study any topic which the Legislature, by concurrent resolution, refers to it for the study.

§ 8294. Printing of reports

8294. The reports, exhibits, and proposed legislative measures shall be printed by the State Printing Office under the supervision of the commission. The exhibits shall be so printed as to show in the readiest manner the changes and repeals proposed by the commission.

§ 8295. Cooperation with legislative committees

8295. The commission shall confer and cooperate with any legislative committee on revision of the law and may contract with any committee for the rendition of service, by either for the other, in the work of revision.

§ 8296. Cooperation with bar and other associations

8296. The commission may cooperate with any bar association or other learned, professional, or scientific association, institution or foundation in any manner suitable for the fulfillment of the purposes of this article.

§ 8297. Research contracts

8297. The commission may, with the approval of the Director of General Services, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.

§ 8298. Recommendations concerning minor revisions

8298. The commission may study and recommend revisions to correct technical or minor substantive defects in the statutes of the state without a prior concurrent resolution of the Legislature referring the matter to it for study.

APPENDIX 2

CALENDAR OF TOPICS AUTHORIZED FOR STUDY

The Commission's calendar of topics authorized for study includes the subjects listed below. Each of these topics has been authorized for Commission study by the Legislature. For the current authorizing resolution, see 1999 Cal. Stat. res. ch. 81.

1. Creditors' remedies. Whether the law should be revised that relates to creditors' remedies, including, but not limited to, attachment, garnishment, execution, repossession of property (including the claim and delivery statute, self-help repossession of property, and the Commercial Code provisions on repossession of property), civil arrest, confession of judgment procedures, default judgment procedures, enforcement of judgments, the right of redemption, procedures under private power of sale in a trust deed or mortgage, possessory and nonpossessory liens, insolvency, and related matters.¹

2. Probate Code. Whether the California Probate Code should be revised, including, but not limited to, the issue of whether California should adopt, in whole or in part, the Uniform Probate Code.²

3. Real and personal property. Whether the law should be revised that relates to real and personal property, including, but not limited to, a marketable title act, covenants, servitudes, conditions, and restrictions on land use or relating to land, possibilities of reverter, powers of termination, Section 1464 of the Civil Code, escheat of property and the disposition of unclaimed or abandoned property, eminent domain, quiet title actions, abandonment or vacation of public streets and highways, partition, rights and duties attendant upon assignment, subletting, termination, or abandonment of a lease, powers of appointment, and related matters.³

4. Family law. Whether the law should be revised that relates to family law, including, but not limited to, community property, the adjudication of child and family civil proceedings, child custody, adoption,

1. See also 1983 Cal. Stat. res. ch. 40; 1974 Cal. Stat. res. ch. 45; 1972 Cal. Stat. res. ch. 27; 1957 Cal. Stat. res. ch. 202; 1 Cal. L. Revision Comm'n Reports, Annual Report for 1957, at 15-16 (1957).

2. See also 1980 Cal. Stat. res. ch. 37.

3. See 1983 Cal. Stat. res. ch. 40, consolidating various previously authorized aspects of real and personal property law into one comprehensive topic. Expanded in 1988 Cal Stat. res. ch. 81.

guardianship, freedom from parental custody and control, and related matters, including other subjects covered by the Family Code.⁴

5. Offers of compromise. Whether the law relating to offers of compromise should be revised.⁵

6. Discovery in civil cases. Whether the law relating to discovery in civil cases should be revised.⁶

7. Special assessments for public improvements. Whether the acts governing special assessments for public improvement should be simplified and unified.⁷

8. Rights and disabilities of minors and incompetent persons. Whether the law relating to the rights and disabilities of minors and incompetent persons should be revised.⁸

9. Evidence. Whether the Evidence Code should be revised.⁹

10. Arbitration. Whether the law relating to arbitration should be revised.¹⁰

11. Administrative law. Whether there should be changes to administrative law.¹¹

12. Attorney's fees. Whether the law relating to the payment and the shifting of attorney's fees between litigants should be revised.¹²

4. See 1997 Cal. Stat. res. ch. 102, consolidating Family Code authority, child custody, adoption, and guardianship authority, and family law proceedings authority. See also 1995 Cal. Stat. res. ch. 87; 1989 Cal. Stat. res. ch. 70; 1983 Cal. Stat. res. ch. 40; 1978 Cal. Stat. res. ch. 65; 1972 Cal. Stat. res. ch. 27; 1956 Cal. Stat. res. ch. 42.

5. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 525-26 (1974).

6. See also 1975 Cal. Stat. res. ch. 15; 12 Cal. L. Revision Comm'n Reports 526-28 (1974).

7. See also 1980 Cal. Stat. res. ch. 37.

8. See also 1979 Cal. Stat. res. ch. 19; 14 Cal. L. Revision Comm'n Reports 217-18 (1978).

9. See also 1965 Cal. Stat. res. ch. 130.

10. See also 1968 Cal. Stat. res. ch. 110; 8 Cal. L. Revision Comm'n Reports 1325-26 (1967).

11. See also 1987 Cal. Stat. res. ch. 47.

12. See also 1995 Cal. Stat. res. ch. 87; 1988 Cal. Stat. res. ch. 20.

13. Uniform Unincorporated Nonprofit Association Act. Whether the Uniform Unincorporated Nonprofit Association Act, or parts of that uniform act, and related provisions should be adopted in California.¹³

14. Trial court unification. Recommendations to be reported pertaining to statutory changes that may be necessitated by court unification.¹⁴

15. Contract law. Whether the law of contracts should be revised, including the law relating to the effect of electronic communications on the law governing contract formation, the statute of frauds, the parol evidence rule, and related matters.¹⁵

16. Environmental law. Whether the laws within various codes relating to environmental quality and natural resources should be reorganized in order to simplify and consolidate relevant statutes, resolve inconsistencies between the statutes, and eliminate obsolete and unnecessarily duplicative statutes.¹⁶

17. Common interest developments. Whether the law governing common interest housing developments should be revised to clarify the law, eliminate unnecessary or obsolete provisions, consolidate existing statutes in one place in the codes, establish a clear, consistent, and unified policy with regard to formation and management of these developments and transaction of real property interests located within them, and to determine to what extent they should be subject to regulation.¹⁷

18. Legal malpractice statutes of limitation. Whether the statutes of limitation for legal malpractice actions should be revised to recognize equitable tolling or other adjustment for the circumstances of simultaneous litigation, and related matters.¹⁸

19. Coordination of public records statutes. Whether the law governing disclosure of public records and the law governing protection of privacy in public records should be revised to better coordinate them, including consolidation and clarification of the scope of required disclosure and creation of a single set of disclosure procedures, to provide appropriate enforcement mechanisms, and to ensure that the law govern-

13. See also 1993 Cal. Stat. res. ch. 31.

14. See also 1995 Cal. Stat. res. ch. 87; 1993 Cal. Stat. res. ch. 96.

15. See also 1996 Cal. Stat. res. ch. 38; 25 Cal. L. Revision Comm'n Reports 628-29 (1995).

16. See also 1996 Cal. Stat. res. ch. 38.

17. See also 1999 Cal. Stat. res. ch. 81.

18. See also 1999 Cal. Stat. res. ch. 81.

ing disclosure of public records adequately treats electronic information, and related matters.¹⁹

20. Criminal sentencing. Whether the law governing criminal sentencing should be revised, nonsubstantively, to reorganize and clarify the sentencing procedure statutes in order to make them more logical and understandable.²⁰

19. See also 1999 Cal. Stat. res. ch. 81.

20. See also 1999 Cal. Stat. res. ch. 81.

APPENDIX 3

LEGISLATIVE ACTION ON COMMISSION RECOMMENDATIONS

(Cumulative)

Note. The “Action by Legislature” column includes references to relevant legislative history, following the italicized “*See.*” References are to volume and page of the Commission’s Reports. (Addition of these references is an ongoing project.)

Recommendation	Action by Legislature
1. <i>Partial Revision of Education Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 12 (1957)	Enacted. 1955 Cal. Stat. chs. 799, 877
2. <i>Summary Distribution of Small Estates Under Probate Code Sections 640 to 646</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1954, at 50 (1957)	Enacted. 1955 Cal. Stat. ch. 1183
3. <i>Fish and Game Code</i> , 1 Cal. L. Revision Comm’n Reports, Annual Report for 1956, at 13 (1957)	Enacted. 1957 Cal. Stat. ch. 456
4. <i>Maximum Period of Confinement in a County Jail</i> , 1 Cal. L. Revision Comm’n Reports, at A-1 (1957)	Enacted. 1957 Cal. Stat. ch. 139
5. <i>Notice of Application for Attorney’s Fees and Costs in Domestic Relations Actions</i> , 1 Cal. L. Revision Comm’n Reports, at B-1 (1957)	Enacted. 1957 Cal. Stat. ch. 540
6. <i>Taking Instructions to Jury Room</i> , 1 Cal. L. Revision Comm’n Reports, at C-1 (1957)	Not enacted. But see Code Civ. Proc. § 612.5, enacting substance of this recommendation
7. <i>The Dead Man Statute</i> , 1 Cal. L. Revision Comm’n Reports, at D-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Evid. Code § 1261 Comment
8. <i>Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere</i> , 1 Cal. L. Revision Comm’n Reports, at E-1 (1957)	Enacted. 1957 Cal. Stat. ch. 490
9. <i>The Marital “For and Against” Testimonial Privilege</i> , 1 Cal. L. Revision Comm’n Reports, at F-1 (1957)	Not enacted. But recommendation accomplished in enactment of Evidence Code. See Evid. Code § 970 Comment

Recommendation	Action by Legislature
10. <i>Suspension of the Absolute Power of Alienation</i> , 1 Cal. L. Revision Comm'n Reports, at G-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 14 (1959)	Enacted. 1959 Cal. Stat. ch. 470
11. <i>Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378</i> , 1 Cal. L. Revision Comm'n Reports, at H-1 (1957)	Enacted. 1957 Cal. Stat. ch. 102
12. <i>Judicial Notice of the Law of Foreign Countries</i> , 1 Cal. L. Revision Comm'n Reports, at I-1 (1957)	Enacted. 1957 Cal. Stat. ch. 249
13. <i>Choice of Law Governing Survival of Actions</i> , 1 Cal. L. Revision Comm'n Reports, at J-1 (1957)	No legislation recommended
14. <i>Effective Date of Order Ruling on a Motion for New Trial</i> , 1 Cal. L. Revision Comm'n Reports, at K-1 (1957); 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 16 (1959)	Enacted. 1959 Cal. Stat. ch. 468
15. <i>Retention of Venue for Convenience of Witnesses</i> , 1 Cal. L. Revision Comm'n Reports, at L-1 (1957)	Not enacted
16. <i>Bringing New Parties Into Civil Actions</i> , 1 Cal. L. Revision Comm'n Reports, at M-1 (1957)	Enacted. 1957 Cal. Stat. ch. 1498
17. <i>Grand Juries</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 20 (1959)	Enacted. 1959 Cal. Stat. ch. 501
18. <i>Procedure for Appointing Guardians</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 21 (1959)	Enacted. 1959 Cal. Stat. ch. 500
19. <i>Appointment of Administrator in Quiet Title Action</i> , 2 Cal. L. Revision Comm'n Reports, Annual Report for 1959, at 29 (1959)	No legislation recommended
20. <i>Presentation of Claims Against Public Entities</i> , 2 Cal. L. Revision Comm'n Reports, at A-1 (1959)	Enacted. 1959 Cal. Stat. chs. 1715, 1724, 1725, 1726, 1727, 1728; Cal. Const., art. XI, § 10 (1960)

Recommendation	Action by Legislature
21. <i>Right of Nonresident Aliens to Inherit</i> , 2 Cal. L. Revision Comm'n Reports, at B-1 (1959); 11 Cal. L. Revision Comm'n Reports 421 (1973)	Enacted. 1974 Cal. Stat. ch. 425
22. <i>Mortgages to Secure Future Advances</i> , 2 Cal. L. Revision Comm'n Reports, at C-1 (1959)	Enacted. 1959 Cal. Stat. ch. 528
23. <i>Doctrine of Worthier Title</i> , 2 Cal. L. Revision Comm'n Reports, at D-1 (1959)	Enacted. 1959 Cal. Stat. ch. 122
24. <i>Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving</i> , 2 Cal. L. Revision Comm'n Reports, at E-1 (1959)	Not enacted. But see 1972 Cal. Stat. ch. 92, enacting substance of a portion of recommendation relating to drunk driving
25. <i>Time Within Which Motion for New Trial May Be Made</i> , 2 Cal. L. Revision Comm'n Reports, at F-1 (1959)	Enacted. 1959 Cal. Stat. ch. 469
26. <i>Notice to Shareholders of Sale of Corporate Assets</i> , 2 Cal. L. Revision Comm'n Reports, at G-1 (1959)	Not enacted. But see Corp. Code §§ 1001, 1002, enacting substance of recommendation
27. <i>Evidence in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at A-1 (1961)	Not enacted. But see Evid. Code § 810 <i>et seq.</i> enacting substance of recommendation
28. <i>Taking Possession and Passage of Title in Eminent Domain Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at B-1 (1961)	Enacted. 1961 Cal. Stat. chs. 1612, 1613
29. <i>Reimbursement for Moving Expenses When Property Is Acquired for Public Use</i> , 3 Cal. L. Revision Comm'n Reports, at C-1 (1961)	Not enacted. But see Gov't Code § 7260 <i>et seq.</i> enacting substance of recommendation
30. <i>Rescission of Contracts</i> , 3 Cal. L. Revision Comm'n Reports, at D-1 (1961)	Enacted. 1961 Cal. Stat. ch. 589
31. <i>Right to Counsel and Separation of Delinquent From Nondelinquent Minor in Juvenile Court Proceedings</i> , 3 Cal. L. Revision Comm'n Reports, at E-1 (1961)	Enacted. 1961 Cal. Stat. ch. 1616
32. <i>Survival of Actions</i> , 3 Cal. L. Revision Comm'n Reports, at F-1 (1961)	Enacted. 1961 Cal. Stat. ch. 657
33. <i>Arbitration</i> , 3 Cal. L. Revision Comm'n Reports, at G-1 (1961)	Enacted. 1961 Cal. Stat. ch. 461

Recommendation	Action by Legislature
34. <i>Presentation of Claims Against Public Officers and Employees</i> , 3 Cal. L. Revision Comm'n Reports, at H-1 (1961)	Not enacted 1961. See recommendation to 1963 session (item 39 <i>infra</i>) which was enacted
35. <i>Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere</i> , 3 Cal. L. Revision Comm'n Reports, at I-1 (1961)	Enacted. 1961 Cal. Stat. ch. 636
36. <i>Notice of Alibi in Criminal Actions</i> , 3 Cal. L. Revision Comm'n Reports, at J-1 (1961)	Not enacted
37. <i>Discovery in Eminent Domain Proceedings</i> , 4 Cal. L. Revision Comm'n Reports 701 (1963); 8 Cal. L. Revision Comm'n Reports 19 (1967)	Enacted. 1967 Cal. Stat. ch. 1104
38. <i>Tort Liability of Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 801 (1963)	Enacted. 1963 Cal. Stat. ch. 1681 <i>See 4:211, 219</i>
39. <i>Claims, Actions and Judgments Against Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1001 (1963)	Enacted. 1963 Cal. Stat. ch. 1715 <i>See 4:211, 222</i>
40. <i>Insurance Coverage for Public Entities and Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1201 (1963)	Enacted. 1963 Cal. Stat. ch. 1682 <i>See 4:212, 223</i>
41. <i>Defense of Public Employees</i> , 4 Cal. L. Revision Comm'n Reports 1301 (1963)	Enacted. 1963 Cal. Stat. ch. 1683 <i>See 4:212, 224</i>
42. <i>Liability of Public Entities for Ownership and Operation of Motor Vehicles</i> , 4 Cal. L. Revision Comm'n Reports 1401 (1963); 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 1527
43. <i>Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officer</i> , 4 Cal. L. Revision Comm'n Reports 1501 (1963)	Enacted. 1963 Cal. Stat. ch. 1684 <i>See 4:212, 224</i>
44. <i>Sovereign Immunity — Amendments and Repeals of Inconsistent Statutes</i> , 4 Cal. L. Revision Comm'n Reports 1601 (1963)	Enacted. 1963 Cal. Stat. chs. 1685, 1686, 2029 <i>See 4:213</i>
45. <i>Evidence Code</i> , 7 Cal. L. Revision Comm'n Reports 1 (1965)	Enacted. 1965 Cal. Stat. ch. 299 <i>See 7:912, 923</i>

Recommendation	Action by Legislature
46. <i>Claims and Actions Against Public Entities and Public Employees</i> , 7 Cal. L. Revision Comm'n Reports 401 (1965)	Enacted. 1965 Cal. Stat. ch. 653 <i>See</i> 7:914, 928
47. <i>Evidence Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 101 (1967)	Enacted in part. 1967 Cal. Stat. ch. 650. Balance enacted. 1970 Cal. Stat. ch. 69 <i>See</i> 8:1315
48. <i>Evidence — Agricultural Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 201 (1967)	Enacted. 1967 Cal. Stat. ch. 262
49. <i>Evidence — Commercial Code Revisions</i> , 8 Cal. L. Revision Comm'n Reports 301 (1967)	Enacted. 1967 Cal. Stat. ch. 703
50. <i>Whether Damage for Personal Injury to a Married Person Should Be Separate or Community Property</i> , 8 Cal. L. Revision Comm'n Reports 401 (1967); 8 Cal. L. Revision Comm'n Reports 1385 (1967)	Enacted. 1968 Cal. Stat. chs. 457, 458 <i>See</i> 8:1318; 9:18
51. <i>Vehicle Code Section 17150 and Related Sections</i> , 8 Cal. L. Revision Comm'n Reports 501 (1967)	Enacted. 1967 Cal. Stat. ch. 702 <i>See</i> 8:1317
52. <i>Additur</i> , 8 Cal. L. Revision Comm'n Reports 601 (1967)	Enacted. 1967 Cal. Stat. ch. 72 <i>See</i> 8:1317
53. <i>Abandonment or Termination of a Lease</i> , 8 Cal. L. Revision Comm'n Reports 701 (1967); 9 Cal. L. Revision Comm'n Reports 401 (1969); 9 Cal. L. Revision Comm'n Reports 153 (1969)	Enacted. 1970 Cal. Stat. ch. 89 <i>See</i> 8:1319; 10:1018
54. <i>Good Faith Improver of Land Owned by Another</i> , 8 Cal. L. Revision Comm'n Reports 801 (1967); 8 Cal. L. Revision Comm'n Reports 1373 (1967)	Enacted. 1968 Cal. Stat. ch. 150 <i>See</i> 8:2319; 9:19
55. <i>Suit By or Against an Unincorporated Association</i> , 8 Cal. L. Revision Comm'n Reports 901 (1967)	Enacted. 1967 Cal. Stat. ch. 1324 <i>See</i> 8:1317
56. <i>Escheat</i> , 8 Cal. L. Revision Comm'n Reports 1001 (1967)	Enacted. 1968 Cal. Stat. chs. 247, 356 <i>See</i> 9:16
57. <i>Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding</i> , 8 Cal. L. Revision Comm'n Reports 1361 (1967)	Enacted. 1968 Cal. Stat. ch. 133 <i>See</i> 9:19

Recommendation	Action by Legislature
58. <i>Service of Process on Unincorporated Associations</i> , 8 Cal. L. Revision Comm'n Reports 1403 (1967)	Enacted. 1968 Cal. Stat. ch. 132 <i>See</i> 9:18
59. <i>Sovereign Immunity — Statute of Limitations</i> , 9 Cal. L. Revision Comm'n Reports 49 (1969); 9 Cal. L. Revision Comm'n Reports 175 (1969)	Enacted. 1970 Cal. Stat. ch. 104 <i>See</i> 9:98
60. <i>Additur and Remittitur</i> , 9 Cal. L. Revision Comm'n Reports 63 (1969)	Enacted. 1969 Cal. Stat. ch. 115 <i>See</i> 9:99
61. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 71 (1969)	Enacted. 1969 Cal. Stat. ch. 114 <i>See</i> 9:98
62. <i>Quasi-Community Property</i> , 9 Cal. L. Revision Comm'n Reports 113 (1969)	Enacted. 1970 Cal. Stat. ch. 312 <i>See</i> 10:1019
63. <i>Arbitration of Just Compensation</i> , 9 Cal. L. Revision Comm'n Reports 123 (1969)	Enacted. 1970 Cal. Stat. ch. 417 <i>See</i> 10:1018
64. <i>Revisions of Evidence Code</i> , 9 Cal. L. Revision Comm'n Reports 137 (1969)	Enacted in part. 1970 Cal. Stat. ch. 69. <i>See</i> also 1970 Cal. Stat. chs. 1396, 1397; 1972 Cal. Stat. ch. 888 <i>See</i> 10:1018
65. <i>Mutuality of Remedies in Suits for Specific Performance</i> , 9 Cal. L. Revision Comm'n Reports 201 (1969)	Enacted. 1969 Cal. Stat. ch. 156 <i>See</i> 9:99
66. <i>Powers of Appointment</i> , 9 Cal. L. Revision Comm'n Reports 301 (1969)	Enacted. 1969 Cal. Stat. chs. 113, 155 <i>See</i> 9:98
67. <i>Evidence Code — Revisions of Privileges Article</i> , 9 Cal. L. Revision Comm'n Reports 501 (1969)	Vetoed. But <i>see</i> 1970 Cal. Stat. chs. 1396, 1397 <i>See</i> 9:98
68. <i>Fictitious Business Names</i> , 9 Cal. L. Revision Comm'n Reports 601 (1969)	Enacted. 1970 Cal. Stat. ch. 618 <i>See</i> 10:1019
69. <i>Representation as to the Credit of Third Persons and the Statute of Frauds</i> , 9 Cal. L. Revision Comm'n Reports 701 (1969)	Enacted. 1970 Cal. Stat. ch. 720 <i>See</i> 10:1021
70. <i>Revisions of Governmental Liability Act</i> , 9 Cal. L. Revision Comm'n Reports 801 (1969)	Enacted in part. 1970 Cal. Stat. chs. 662, 1099 <i>See</i> 10:1020
71. <i>"Vesting" of Interests Under Rule Against Perpetuities</i> , 9 Cal. L. Revision Comm'n Reports 901 (1969)	Enacted. 1970 Cal. Stat. ch. 45 <i>See</i> 10:1021

Recommendation	Action by Legislature
72. <i>Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions</i> , 10 Cal. L. Revision Comm'n Reports 501 (1971)	Enacted. 1971 Cal. Stat. chs. 244, 950. See also 1973 Cal. Stat. ch. 828 <i>See 10:1125</i>
73. <i>Wage Garnishment and Related Matters</i> , 10 Cal. L. Revision Comm'n Reports 701 (1971); 11 Cal. L. Revision Comm'n Reports 101 (1973); 12 Cal. L. Revision Comm'n Reports 901 (1974); 13 Cal. L. Revision Comm'n Reports 601 (1976); 13 Cal. L. Revision Comm'n Reports 1703 (1976); 14 Cal. L. Revision Comm'n Reports 261 (1978)	Enacted in part. 1978 Cal. Stat. ch. 1133. See also 1979 Cal. Stat. ch. 66 <i>See 11:1024; 11:1123; 12:530; 13:2012; 14:13, 223; 15:1024</i>
74. <i>Proof of Foreign Official Records</i> , 10 Cal. L. Revision Comm'n Reports 1022 (1971)	Enacted. 1970 Cal. Stat. ch. 41
75. <i>Inverse Condemnation — Insurance Coverage</i> , 10 Cal. L. Revision Comm'n Reports 1051 (1971)	Enacted. 1971 Cal. Stat. ch. 140 <i>See 10:1126</i>
76. <i>Discharge From Employment Because of Wage Garnishment</i> , 10 Cal. L. Revision Comm'n Reports 1147 (1971)	Enacted. 1971 Cal. Stat. ch. 1607 <i>See 10:1126</i>
77. <i>Civil Arrest</i> , 11 Cal. L. Revision Comm'n Reports 1 (1973)	Enacted. 1973 Cal. Stat. ch. 20 <i>See 11:1123</i>
78. <i>Claim and Delivery Statute</i> , 11 Cal. L. Revision Comm'n Reports 301 (1973)	Enacted. 1973 Cal. Stat. ch. 526 <i>See 11:1124</i>
79. <i>Unclaimed Property</i> , 11 Cal. L. Revision Comm'n Reports 401 (1973); 12 Cal. L. Revision Comm'n Reports 609 (1974)	Proposed resolution enacted. 1973 Cal. Stat. res. ch. 76. Legislation enacted. 1975 Cal. Stat. ch. 25 <i>See 11:1124; 12:530; 13:2012</i>
80. <i>Enforcement of Sister State Money Judgments</i> , 11 Cal. L. Revision Comm'n Reports 451 (1973)	Enacted. 1974 Cal. Stat. ch. 211 <i>See 12:534</i>
81. <i>Prejudgment Attachment</i> , 11 Cal. L. Revision Comm'n Reports 701 (1973)	Enacted. 1974 Cal. Stat. ch. 1516. See also 1975 Cal. Stat. ch. 200 <i>See 12:530</i>
82. <i>Landlord-Tenant Relations</i> , 11 Cal. L. Revision Comm'n Reports 951 (1973)	Enacted. 1974 Cal. Stat. chs. 331, 332 <i>See 12:536</i>
83. <i>Pleading</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1024 (1973)	Enacted. 1972 Cal. Stat. ch. 73

Recommendation	Action by Legislature
84. <i>Evidence — Judicial Notice</i> (technical change), 11 Cal. L. Revision Comm'n Reports 1025 (1973)	Enacted. 1972 Cal. Stat. ch. 764
85. <i>Evidence — "Criminal Conduct" Exception</i> , 11 Cal. L. Revision Comm'n Reports 1147 (1973)	Not enacted 1974. See recommendation to 1975 session (item 90 <i>infra</i>) which was enacted — <i>See 12:535</i>
86. <i>Erroneously Compelled Disclosure of Privileged Information</i> , 11 Cal. L. Revision Comm'n Reports 1163 (1973)	Enacted. 1974 Cal. Stat. ch. 227 <i>See 12:535</i>
87. <i>Liquidated Damages</i> , 11 Cal. L. Revision Comm'n Reports 1201 (1973); 13 Cal. L. Revision Comm'n Reports 2139 (1976); 13 Cal. L. Revision Comm'n Reports 1735 (1976)	Enacted. 1977 Cal. Stat. ch. 198 <i>See 12:535; 13:1616; 14:13</i>
88. <i>Payment of Judgments Against Local Public Entities</i> , 12 Cal. L. Revision Comm'n Reports 575 (1974)	Enacted. 1975 Cal. Stat. ch. 285 <i>See 13:2011</i>
89. <i>View by Trier of Fact in a Civil Case</i> , 12 Cal. L. Revision Comm'n Reports 587 (1974)	Enacted. 1975 Cal. Stat. ch. 301 <i>See 13:2011</i>
90. <i>Good Cause Exception to the Physician-Patient Privilege</i> , 12 Cal. L. Revision Comm'n Reports 601 (1974)	Enacted. 1975 Cal. Stat. ch. 318 <i>See 13:2012</i>
91. <i>Improvement Acts</i> , 12 Cal. L. Revision Comm'n Reports 1001 (1974)	Enacted. 1974 Cal. Stat. ch. 426 <i>See 12:534</i>
92. <i>Condemnation Law and Procedure: Conforming Changes in Special District Statutes</i> , 12 Cal. L. Revision Comm'n Reports 1101 (1974); 12 Cal. L. Revision Comm'n Reports 2004 (1974)	Enacted. 1975 Cal. Stat. chs. 581, 582, 584, 585, 586, 587, 1176, 1276
93. <i>The Eminent Domain Law</i> , 12 Cal. L. Revision Comm'n Reports 1601 (1974)	Enacted. 1975 Cal. Stat. chs. 1239, 1240, 1275 — <i>See 13:2010</i>
94. <i>Oral Modification of Written Contracts</i> , 13 Cal. L. Revision Comm'n Reports 301 (1976); 13 Cal. L. Revision Comm'n Reports 2129 (1976)	Enacted. 1975 Cal. Stat. ch. 7; 1976 Cal. Stat. ch. 109 <i>See 13:2011; 13:1616</i>
95. <i>Partition of Real and Personal Property</i> , 13 Cal. L. Revision Comm'n Reports 401 (1976)	Enacted. 1976 Cal. Stat. ch. 73 <i>See 13:2013, 1610</i>
96. <i>Revision of the Attachment Law</i> , 13 Cal. L. Revision Comm'n Reports 801 (1976)	Enacted. 1976 Cal. Stat. ch. 437 <i>See 13:1612</i>

Recommendation	Action by Legislature
97. <i>Undertakings for Costs</i> , 13 Cal. L. Revision Comm'n Reports 901 (1976)	Not enacted 1976. But see recommendation to 1979 session (item 118 <i>infra</i>) which was enacted – <i>See 13:1614</i>
98. <i>Service of Process on Unincorporated Associations</i> , 13 Cal. L. Revision Comm'n Reports 1657 (1976)	Enacted. 1976 Cal. Stat. ch. 888 <i>See 13:1616</i>
99. <i>Sister State Money Judgments</i> , 13 Cal. L. Revision Comm'n Reports 1669 (1976)	Enacted. 1977 Cal. Stat. ch. 232 <i>See 14:12</i>
100. <i>Damages in Action for Breach of Lease</i> , 13 Cal. L. Revision Comm'n Reports 1679 (1976)	Enacted. 1977 Cal. Stat. ch. 49 <i>See 14:13</i>
101. <i>Admissibility of Copies of Business Records in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2051 (1976)	Not enacted <i>See 13:2012</i>
102. <i>Turnover Orders Under the Claim and Delivery Law</i> , 13 Cal. L. Revision Comm'n Reports 2079 (1976)	Enacted. 1976 Cal. Stat. ch. 145 <i>See 13:1614</i>
103. <i>Relocation Assistance by Private Condemnors</i> , 13 Cal. L. Revision Comm'n Reports 2085 (1976)	Enacted. 1976 Cal. Stat. ch. 143 <i>See 13:1614</i>
104. <i>Condemnation for Byroads and Utility Easements</i> , 13 Cal. L. Revision Comm'n Reports 2091 (1976)	Enacted in part (utility easements). 1976 Cal. Stat. ch. 994 <i>See 13:1615</i>
105. <i>Transfer of Out-of-State Trusts to California</i> , 13 Cal. L. Revision Comm'n Reports 2101 (1976)	Enacted. 1976 Cal. Stat. ch. 144 <i>See 13:1615</i>
106. <i>Admissibility of Duplicates in Evidence</i> , 13 Cal. L. Revision Comm'n Reports 2115 (1976)	Enacted in bill not sponsored by Commission. See 1985 Cal. Stat. ch. 100 <i>For original history, see 13:1615</i>
107. <i>Nonprofit Corporation Law</i> , 13 Cal. L. Revision Comm'n Reports 2201 (1976)	Not enacted. Legislation on this subject, not sponsored by Commission, was enacted in 1978 <i>For original history, see 14:11</i>
108. <i>Use of Keepers Pursuant to Writs of Execution</i> , 14 Cal. L. Revision Comm'n Reports 49 (1978)	Enacted. 1977 Cal. Stat. ch. 155 <i>See 14:12</i>
109. <i>Attachment Law: Effect of Bankruptcy Proceedings; Effect of General Assignments for the Benefit of Creditors</i> , 14 Cal. L. Revision Comm'n Reports 61 (1978)	Enacted. 1977 Cal. Stat. ch. 499 <i>See 14:12</i>

Recommendation	Action by Legislature
110. <i>Review of Resolution of Necessity by Writ of Mandate</i> , 14 Cal. L. Revision Comm'n Reports 83 (1978)	Enacted. 1978 Cal. Stat. ch. 286 <i>See 14:224</i>
111. <i>Use of Court Commissioners Under the Attachment Law</i> , 14 Cal. L. Revision Comm'n Reports 93 (1978)	Enacted. 1978 Cal. Stat. ch. 151 <i>See 14:224</i>
112. <i>Evidence of Market Value of Property</i> , 14 Cal. L. Revision Comm'n Reports 105 (1978)	Enacted in part. 1978 Cal. Stat. ch. 294. Substance of remainder enacted in 1980. <i>See item 123 infra</i> <i>See 14:225</i>
113. <i>Psychotherapist-Patient Privilege</i> , 14 Cal. L. Revision Comm'n Reports 127 (1978); 15 Cal. L. Revision Comm'n Reports 1307 (1980)	Enacted in part. 1985 Cal. Stat. chs. 545 (licensed educational psychologist), 1077 (repeal of Evid. Code § 1028) – <i>See 14:225</i>
114. <i>Parol Evidence Rule</i> , 14 Cal. L. Revision Comm'n Reports 143 (1978)	Enacted. 1978 Cal. Stat. ch. 150 <i>See 14:224</i>
115. <i>Attachment Law — Unlawful Detainer Proceedings; Bond for Levy on Joint Deposit Account or Safe Deposit Box; Definition of "Chose in Action,"</i> 14 Cal. L. Revision Comm'n Reports 241 (1978)	Enacted. 1978 Cal. Stat. ch. 273 <i>See 14:224</i>
116. <i>Powers of Appointment</i> (technical changes), 14 Cal. L. Revision Comm'n Reports 257 (1978)	Enacted. 1978 Cal. Stat. ch. 266
117. <i>Ad Valorem Property Taxes in Eminent Domain Proceedings</i> , 14 Cal. L. Revision Comm'n Reports 291 (1978)	Enacted. 1979 Cal. Stat. ch. 31 <i>See 15:1025</i>
118. <i>Security for Costs</i> , 14 Cal. L. Revision Comm'n Reports 319 (1978)	Enacted. 1980 Cal. Stat. ch. 114 <i>See 15:1025</i>
119. <i>Guardianship-Conservatorship Law</i> , 14 Cal. L. Revision Comm'n Reports 501 (1978); 15 Cal. L. Revision Comm'n Reports 451 (1980)	Enacted. 1979 Cal. Stat. chs. 165, 726, 730 – <i>See 15:1024, 1427</i>
120. <i>Interest Rate on Judgments</i> , 15 Cal. L. Revision Comm'n Reports 7 (1980)	Enacted. 1982 Cal. Stat. ch. 150 <i>See 15:1427; 16:2025</i>
121. <i>Married Women as Sole Traders</i> , 15 Cal. L. Revision Comm'n Reports 21 (1980)	Enacted. 1980 Cal. Stat. ch. 123 <i>See 15:1426</i>
122. <i>State Tax Liens</i> , 15 Cal. L. Revision Comm'n Reports 29 (1980)	Enacted. 1980 Cal. Stat. ch. 600 <i>See 15:1427</i>

Recommendation	Action by Legislature
123. <i>Application of Evidence Code Property Valuation Rules in Noncondemnation Cases</i> , 15 Cal. L. Revision Comm'n Reports 301 (1980)	Enacted. 1980 Cal. Stat. ch. 381 <i>See 15:1429</i>
124. <i>Uniform Durable Power of Attorney Act</i> , 15 Cal. L. Revision Comm'n Reports 351 (1980)	Enacted. 1981 Cal. Stat. ch. 511 <i>See 16:25</i>
125. <i>Probate Homestead</i> , 15 Cal. L. Revision Comm'n Reports 401 (1980)	Enacted. 1980 Cal. Stat. ch. 119 <i>See 15:1428</i>
126. <i>Effect of New Bankruptcy Law on the Attachment Law</i> , 15 Cal. L. Revision Comm'n Reports 1043 (1980)	Enacted. 1979 Cal. Stat. ch. 177 <i>See 15:1024</i>
127. <i>Confessions of Judgment</i> , 15 Cal. L. Revision Comm'n Reports 1053 (1980)	Enacted. 1979 Cal. Stat. ch. 568 <i>See 15:1024</i>
128. <i>Special Assessment Liens on Property Taken for Public Use</i> , 15 Cal. L. Revision Comm'n Reports 1101 (1980)	Enacted. 1980 Cal. Stat. ch. 122 <i>See 15:1428</i>
129. <i>Assignments for the Benefit of Creditors</i> , 15 Cal. L. Revision Comm'n Reports 1117 (1980)	Enacted. 1980 Cal. Stat. ch. 135 <i>See 15:1427</i>
130. <i>Vacation of Public Streets, Highways, and Service Easements</i> , 15 Cal. L. Revision Comm'n Reports 1137 (1980)	Enacted. 1980 Cal. Stat. ch. 1050 <i>See 15:1429</i>
131. <i>Quiet Title Actions</i> , 15 Cal. L. Revision Comm'n Reports 1187 (1980)	Enacted. 1980 Cal. Stat. ch. 44 <i>See 15:1428</i>
132. <i>Agreements for Entry of Paternity and Support Judgments</i> , 15 Cal. L. Revision Comm'n Reports 1237 (1980)	Enacted. 1980 Cal. Stat. ch. 682 <i>See 15:1426</i>
133. <i>Enforcement of Claims and Judgments Against Public Entities</i> , 15 Cal. L. Revision Comm'n Reports 1257 (1980)	Enacted. 1980 Cal. Stat. ch. 215 <i>See 15:1426</i>
134. <i>Uniform Veterans Guardianship Act</i> , 15 Cal. L. Revision Comm'n Reports 1289 (1980)	Enacted. 1980 Cal. Stat. ch. 89 <i>See 15:1428</i>
135. <i>Enforcement of Obligations After Death</i> , 15 Cal. L. Revision Comm'n Reports 1327 (1980)	Enacted. 1980 Cal. Stat. ch. 124 <i>See 15:1426</i>
136. <i>Guardianship-Conservatorship</i> (technical change), 15 Cal. L. Revision Comm'n Reports 1427 (1980)	Enacted. 1980 Cal. Stat. ch. 246

Recommendation	Action by Legislature
137. <i>Revision of Guardianship-Conservatorship Law</i> , 15 Cal. L. Revision Comm'n Reports 1463 (1980)	Enacted. 1981 Cal. Stat. ch. 9 <i>See 16:24</i>
138. <i>Non-Probate Transfers</i> , 15 Cal. L. Revision Comm'n Reports 1605 (1980); 16 Cal. L. Revision Comm'n Reports 129 (1982)	Enacted in part (pay-on-death accounts) 1982 Cal. Stat. ch. 269; (credit unions and industrial loan companies) 1983 Cal. Stat. ch. 92. Substance of balance enacted. 1989 Cal. Stat. ch. 397 (banks and savings and loan associations) (item 229 <i>infra</i>) – <i>See 16:2026; 17:823</i>
139. <i>Revision of the Powers of Appointment Statute</i> , 15 Cal. L. Revision Comm'n Reports 1667 (1980)	Enacted. 1981 Cal. Stat. ch. 63 <i>See 16:25</i>
140. <i>The Enforcement of Judgments Law</i> , 15 Cal. L. Revision Comm'n Reports 2001 (1980)	Enacted. 1982 Cal. Stat. chs. 497, 1364 <i>See 16:2024</i>
141. <i>State Tax Liens</i> (technical change), 16 Cal. L. Revision Comm'n Reports 24 (1982)	Enacted. 1981 Cal. Stat. ch. 217
142. <i>Assessment Liens on Property Taken for Public Use</i> (technical change), 16 Cal. L. Revision Comm'n Reports 25 (1982)	Enacted. 1981 Cal. Stat. ch. 139
143. <i>Federal Pensions as Community Property</i> , 16 Cal. L. Revision Comm'n Reports 47 (1982)	Proposed resolution adopted. 1982 Cal. Stat. res. ch. 44 <i>See 16:2027</i>
144. <i>Missing Persons</i> , 16 Cal. L. Revision Comm'n Reports 105 (1982)	Enacted. 1983 Cal. Stat. ch. 201 <i>See 17:822</i>
145. <i>Escheat</i> (technical change), 16 Cal. L. Revision Comm'n Reports 124 (1982)	Enacted. 1982 Cal. Stat. ch. 182
146. <i>Emancipated Minors</i> , 16 Cal. L. Revision Comm'n Reports 183 (1982)	Enacted. 1983 Cal. Stat. ch. 6 <i>See 17:823</i>
147. <i>Notice in Limited Conservatorship Proceedings</i> , 16 Cal. L. Revision Comm'n Reports 199 (1982)	Enacted. 1983 Cal. Stat. ch. 72 <i>See 17:823</i>
148. <i>Disclaimer of Testamentary and Other Interests</i> , 16 Cal. L. Revision Comm'n Reports 207 (1982)	Enacted. 1983 Cal. Stat. ch. 17 <i>See 17:823</i>
149. <i>Holographic and Nuncupative Wills</i> , 16 Cal. L. Revision Comm'n Reports 301 (1982)	Enacted. 1982 Cal. Stat. ch. 187 <i>See 16:2026</i>

Recommendation	Action by Legislature
150. <i>Marketable Title of Real Property</i> , 16 Cal. L. Revision Comm'n Reports 401 (1982)	Enacted. 1982 Cal. Stat. ch. 1268 <i>See 16:2026</i>
151. <i>Statutory Bonds and Undertakings</i> , 16 Cal. L. Revision Comm'n Reports 501 (1982)	Enacted. 1982 Cal. Stat. chs. 517, 998 <i>See 16:2025</i>
152. <i>Attachment</i> , 16 Cal. L. Revision Comm'n Reports 701 (1982)	Enacted. 1982 Cal. Stat. ch. 1198 <i>See 16:2025</i>
153. <i>Division of Joint Tenancy and Tenancy in Common Property at Dissolution of Marriage</i> , 16 Cal. L. Revision Comm'n Reports 2165 (1982), 17 Cal. L. Revision Comm'n Reports 863 (1984)	Enacted. 1983 Cal. Stat. ch. 342 <i>See 17:823</i>
154. <i>Creditors' Remedies</i> , 16 Cal. L. Revision Comm'n Reports 2175 (1982)	Enacted. 1983 Cal. Stat. ch. 155 <i>See 17:824</i>
155. <i>Conforming Changes to the Bond and Undertaking Law</i> , 16 Cal. L. Revision Comm'n Reports 2239 (1982)	Enacted. 1983 Cal. Stat. ch. 18 <i>See 17:825</i>
156. <i>Notice of Rejection of Late Claim Against Public Entity</i> , 16 Cal. L. Revision Comm'n Reports 2251 (1982)	Enacted. 1983 Cal. Stat. ch. 107 <i>See 17:824</i>
157. <i>Wills and Intestate Succession</i> , 16 Cal. L. Revision Comm'n Reports 2301 (1982)	Enacted. 1983 Cal. Stat. ch. 842 <i>See 17:822</i>
158. <i>Liability of Marital Property for Debts</i> , 17 Cal. L. Revision Comm'n Reports 1 (1984)	Enacted. 1984 Cal. Stat. ch. 1671 <i>See 18:20</i>
159. <i>Durable Power of Attorney for Health Care Decisions</i> , 17 Cal. L. Revision Comm'n Reports 101 (1984)	Enacted. 1983 Cal. Stat. ch. 1204 <i>See 17:822</i>
160. <i>Marital Property Presumptions and Transmutations</i> , 17 Cal. L. Revision Comm'n Reports 205 (1984)	Enacted in part (transmutations). 1984 Cal. Stat. ch. 1733 <i>See 18:21</i>
161. <i>Reimbursement of Educational Expenses</i> , 17 Cal. L. Revision Comm'n Reports 229 (1984)	Enacted. 1984 Cal. Stat. ch. 1661 <i>See 18:22</i>
162. <i>Special Appearance in Family Law Proceedings</i> , 17 Cal. L. Revision Comm'n Reports 243 (1984)	Enacted. 1984 Cal. Stat. ch. 156 <i>See 18:21</i>
163. <i>Liability of Stepparent for Child Support</i> , 17 Cal. L. Revision Comm'n Reports 251 (1984)	Enacted. 1984 Cal. Stat. ch. 249 <i>See 18:21</i>

Recommendation	Action by Legislature
164. <i>Awarding Temporary Use of Family Home</i> , 17 Cal. L. Revision Comm'n Reports 261 (1984)	Enacted. 1984 Cal. Stat. ch. 463 <i>See 18:21</i>
165. <i>Disposition of Community Property</i> , 17 Cal. L. Revision Comm'n Reports 269 (1984)	Not enacted <i>See 18:22</i>
166. <i>Statutes of Limitation for Felonies</i> , 17 Cal. L. Revision Comm'n Reports 301 (1984)	Enacted. 1984 Cal. Stat. ch. 1270 <i>See 18:23; 20:2305</i>
167. <i>Independent Administration of Decedent's Estate</i> , 17 Cal. L. Revision Comm'n Reports 405 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
168. <i>Distribution of Estates Without Administration</i> , 17 Cal. L. Revision Comm'n Reports 421 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
169. <i>Simultaneous Deaths</i> , 17 Cal. L. Revision Comm'n Reports 443 (1984)	Enacted in part. <i>See</i> 1989 Cal. Stat. ch. 544 (intestate succession) (item 227 <i>infra</i>); 1990 Cal. Stat. ch. 710 (statutory will) (item 240 <i>infra</i>) <i>See 18:20</i>
170. <i>Notice of Will</i> , 17 Cal. L. Revision Comm'n Reports 461 (1984)	Not enacted <i>See 18:20</i>
171. <i>Garnishment of Amounts Payable to Trust Beneficiary</i> , 17 Cal. L. Revision Comm'n Reports 471 (1984)	Enacted. 1984 Cal. Stat. ch. 493 <i>See 18:19</i>
172. <i>Bonds for Personal Representatives</i> , 17 Cal. L. Revision Comm'n Reports 483 (1984)	Enacted. 1984 Cal. Stat. ch. 451 <i>See 18:19</i>
173. <i>Recording Affidavits of Death</i> , 17 Cal. L. Revision Comm'n Reports 493 (1984)	Enacted. 1984 Cal. Stat. ch. 527 <i>See 18:20</i>
174. <i>Execution of Witnessed Will</i> , 17 Cal. L. Revision Comm'n Reports 509 (1984)	Not enacted <i>See 18:20</i>
175. <i>Revision of Wills and Intestate Succession Law</i> , 17 Cal. L. Revision Comm'n Reports 537 (1984)	Enacted. 1984 Cal. Stat. ch. 892 <i>See 18:19</i>
176. <i>Uniform Transfers to Minors Act</i> , 17 Cal. L. Revision Comm'n Reports 601 (1984)	Enacted. 1984 Cal. Stat. ch. 243 <i>See 18:19</i>
177. <i>Statutory Forms for Durable Powers of Attorney</i> , 17 Cal. L. Revision Comm'n Reports 701 (1984)	Enacted. 1984 Cal. Stat. chs. 312 (health care), 602 (general power of attorney) – <i>See 18:18</i>

Recommendation	Action by Legislature
178. <i>Vacation of Streets</i> (technical change), 17 Cal. L. Revision Comm'n Reports 825 (1984)	Enacted. 1983 Cal. Stat. ch. 52
179. <i>Effect of Death of Support Obligor</i> , 17 Cal. L. Revision Comm'n Reports 897 (1984)	Enacted in part. 1984 Cal. Stat. ch. 19. Balance enacted. 1985 Cal. Stat. ch. 362 (item 186 <i>infra</i>) – See 18:21
180. <i>Dismissal for Lack of Prosecution</i> , 17 Cal. L. Revision Comm'n Reports 905 (1984)	Enacted. 1984 Cal. Stat. ch. 1705 See 18:23
181. <i>Severance of Joint Tenancy</i> , 17 Cal. L. Revision Comm'n Reports 941 (1984)	Enacted. 1984 Cal. Stat. ch. 519 See 18:23
182. <i>Quiet Title and Partition Judgments</i> , 17 Cal. L. Revision Comm'n Reports 947 (1984)	Enacted. 1984 Cal. Stat. ch. 20 See 18:22
183. <i>Dormant Mineral Rights</i> , 17 Cal. L. Revision Comm'n Reports 957 (1984)	Enacted. 1984 Cal. Stat. ch. 240 See 18:22
184. <i>Creditors' Remedies</i> , 17 Cal. L. Revision Comm'n Reports 975 (1984)	Enacted. 1984 Cal. Stat. ch. 538 See 18:23
185. <i>Rights Among Cotenants</i> , 17 Cal. L. Revision Comm'n Reports 1023 (1984)	Enacted. 1984 Cal. Stat. ch. 241 See 18:23
186. <i>Provision for Support if Support Obligor Dies</i> , 18 Cal. L. Revision Comm'n Reports 119 (1986)	Enacted. 1985 Cal. Stat. ch. 362 See 18:217
187. <i>Transfer of State Registered Property Without Probate</i> , 18 Cal. L. Revision Comm'n Reports 129 (1986)	Enacted. 1985 Cal. Stat. ch. 982 See 18:216
188. <i>Dividing Jointly Owned Property Upon Marriage Dissolution</i> , 18 Cal. L. Revision Comm'n Reports 147 (1986)	Enacted. 1985 Cal. Stat. ch. 362 See 18:217
189. <i>Probate Law</i> (clarifying revisions), 18 Cal. L. Revision Comm'n Reports 216 (1986)	Enacted. 1985 Cal. Stat. ch. 359
190. <i>Creditors' Remedies</i> (technical change), 18 Cal. L. Revision Comm'n Reports 217 (1986)	Enacted. 1985 Cal. Stat. ch. 41
191. <i>Uniform Transfers to Minors Act</i> (technical change), 18 Cal. L. Revision Comm'n Reports 218 (1986)	Enacted. 1985 Cal. Stat. ch. 90
192. <i>Protection of Mediation Communications</i> , 18 Cal. L. Revision Comm'n Reports 241 (1986)	Enacted. 1985 Cal. Stat. ch. 731 See 18:218

Recommendation	Action by Legislature
193. <i>Recording Severance of Joint Tenancy</i> , 18 Cal. L. Revision Comm'n Reports 249 (1986)	Enacted. 1985 Cal. Stat. ch. 157 <i>See 18:217</i>
194. <i>Abandoned Easements</i> , 18 Cal. L. Revision Comm'n Reports 257 (1986)	Enacted. 1985 Cal. Stat. ch. 157 <i>See 18:217</i>
195. <i>Distribution Under a Will or Trust</i> , 18 Cal. L. Revision Comm'n Reports 269 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
196. <i>Effect of Adoption or Out of Wedlock Birth on Rights at Death</i> , 18 Cal. L. Revision Comm'n Reports 289 (1986)	Enacted. 1985 Cal. Stat. ch. 982 <i>See 18:216</i>
197. <i>Durable Powers of Attorney</i> , 18 Cal. L. Revision Comm'n Reports 305 (1986)	Enacted. 1985 Cal. Stat. ch. 403 <i>See 18:216</i>
198. <i>Litigation Expenses in Family Law Proceedings</i> , 18 Cal. L. Revision Comm'n Reports 351 (1986)	Enacted. 1985 Cal. Stat. ch. 362 <i>See 18:217</i>
199. <i>Civil Code Sections 4800.1 and 4800.2</i> , 18 Cal. L. Revision Comm'n Reports 383 (1986)	One of two recommended measures enacted (<i>Application of Civil Code §§ 4800.1 and 4800.2</i>). 1986 Cal. Stat. ch. 49 – <i>See 18:1717</i>
200. <i>The Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 501 (1986)	Enacted. 1986 Cal. Stat. ch. 820 <i>See 18:1718</i>
201. <i>Disposition of Estate Without Administration</i> , 18 Cal. L. Revision Comm'n Reports 1005 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
202. <i>Small Estate Set-Aside</i> , 18 Cal. L. Revision Comm'n Reports 1101 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
203. <i>Proration of Estate Taxes</i> , 18 Cal. L. Revision Comm'n Reports 1127 (1986)	Enacted. 1986 Cal. Stat. ch. 783 <i>See 18:1717</i>
204. <i>Notice in Guardianship and Conservatorship</i> , 18 Cal. L. Revision Comm'n Reports 1793 (1986)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
205. <i>Preliminary Provisions and Definitions</i> , 18 Cal. L. Revision Comm'n Reports 1807 (1986)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>
206. <i>Technical Revisions in the Trust Law</i> , 18 Cal. L. Revision Comm'n Reports 1823 (1986)	Enacted. 1987 Cal. Stat. ch. 128 <i>See 19:517</i>
207. <i>Supervised Administration</i> , 19 Cal. L. Revision Comm'n Reports 5 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:516</i>

Recommendation	Action by Legislature
208. <i>Independent Administration</i> , 19 Cal. L. Revision Comm'n Reports 205 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
209. <i>Creditor Claims Against Decedent's Estate</i> , 19 Cal. L. Revision Comm'n Reports 299 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
210. <i>Notice in Probate Proceedings</i> , 19 Cal. L. Revision Comm'n Reports 357 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
211. <i>Marital Deduction Gifts</i> , 19 Cal. L. Revision Comm'n Reports 615 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
212. <i>Estates of Missing Persons</i> , 19 Cal. L. Revision Comm'n Reports 637 (1988)	Enacted. 1987 Cal. Stat. ch. 923 <i>See 19:517</i>
213. <i>Public Guardians and Administrators</i> , 19 Cal. L. Revision Comm'n Reports 707 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
214. <i>Inventory and Appraisal</i> , 19 Cal. L. Revision Comm'n Reports 741 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
215. <i>Opening Estate Administration</i> , 19 Cal. L. Revision Comm'n Reports 787 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
216. <i>Abatement</i> , 19 Cal. L. Revision Comm'n Reports 865 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
217. <i>Accounts</i> , 19 Cal. L. Revision Comm'n Reports 877 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
218. <i>Litigation Involving Decedents</i> , 19 Cal. L. Revision Comm'n Reports 899 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
219. <i>Rules of Procedure in Probate</i> , 19 Cal. L. Revision Comm'n Reports 917 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
220. <i>Distribution and Discharge</i> , 19 Cal. L. Revision Comm'n Reports 953 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
221. <i>Nondomiciliary Decedents</i> , 19 Cal. L. Revision Comm'n Reports 993 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
222. <i>Interest and Income During Administration</i> , 19 Cal. L. Revision Comm'n Reports 1019 (1988)	Enacted. 1988 Cal. Stat. ch. 1199 <i>See 19:1167</i>
223. <i>Authority of the Law Revision Commission</i> , 19 Cal. L. Revision Comm'n Reports 1162 (1988)	Enacted. 1989 Cal. Stat. ch. 152
224. <i>1988 Probate Cleanup Bill</i> , see 19 Cal. L. Revision Comm'n Reports 1167, 1191–1200 (1988)	Enacted. 1988 Cal. Stat. ch. 113

Recommendation	Action by Legislature
225. <i>Creditors' Remedies</i> , 19 Cal. L. Revision Comm'n Reports 1251 (1988)	Enacted. 1989 Cal. Stat. ch. 1416 <i>See 20:201</i>
226. <i>No Contest Clauses</i> , 20 Cal. L. Revision Comm'n Reports 7 (1990)	Enacted. 1989 Cal. Stat. ch. 544 <i>See 20:201</i>
227. <i>120-Hour Survival Requirement</i> , 20 Cal. L. Revision Comm'n Reports 21 (1990)	Enacted. 1989 Cal. Stat. ch. 544 <i>See 20:201</i>
228. <i>Compensation of Attorneys and Personal Representatives</i> , 20 Cal. L. Revision Comm'n Reports 31 (1990)	Enacted except for portion relating to compensation of attorneys. 1990 Cal. Stat. ch. 79 – <i>See 20:2218</i>
229. <i>Multiple-Party Accounts</i> , 20 Cal. L. Revision Comm'n Reports 95 (1990)	Enacted. 1989 Cal. Stat. ch. 397 <i>See 20:202</i>
230. <i>Notice to Creditors</i> , 20 Cal. L. Revision Comm'n Reports 165 (1990); 20 Cal. L. Revision Comm'n Reports 507 (1990)	Enacted in part. 1989 Cal. Stat. ch. 544. Balance enacted. 1990 Cal. Stat. ch. 140 – <i>See 20:201</i>
231. <i>1989 Probate Cleanup Bill</i> , see 20 Cal. L. Revision Comm'n Reports 201, 227 (1990)	Enacted. 1989 Cal. Stat. ch. 21
232. <i>Bonds of Guardians and Conservators</i> , 20 Cal. L. Revision Comm'n Reports 235 (1990)	Enacted. 1989 Cal. Stat. ch. 544
233. <i>Brokers' Commissions on Probate Sales</i> , 20 Cal. L. Revision Comm'n Reports 237-42 (1990)	Enacted. 1989 Cal. Stat. ch. 544
234. <i>Commercial Real Property Leases</i> , 20 Cal. L. Revision Comm'n Reports 251 (1990)	Enacted. 1989 Cal. Stat. ch. 982 <i>See 20:202</i>
235. <i>Trustees' Fees</i> , 20 Cal. L. Revision Comm'n Reports 279 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
236. <i>Springing Powers of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 405 (1990)	Enacted. 1990 Cal. Stat. ch. 986 <i>See 20:2220</i>
237. <i>Uniform Statutory Form Powers of Attorney Act</i> , 20 Cal. L. Revision Comm'n Reports 415 (1990)	Enacted. 1990 Cal. Stat. ch. 986 <i>See 20:2220</i>
238. <i>Disposition of Small Estate by Public Administrator</i> , 20 Cal. L. Revision Comm'n Reports 529 (1990)	Enacted. 1990 Cal. Stat. ch. 324 <i>See 20:2220</i>
239. <i>Court-Authorized Medical Treatment</i> , 20 Cal. L. Revision Comm'n Reports 537 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>

Recommendation	Action by Legislature
240. <i>Survival Requirement for Beneficiary of Statutory Will</i> , 20 Cal. L. Revision Comm'n Reports 549 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
241. <i>Execution or Modification of Lease Without Court Order</i> , 20 Cal. L. Revision Comm'n Reports 557 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
242. <i>Limitation Period for Action Against Surety in Guardianship or Conservatorship Proceeding</i> , 20 Cal. L. Revision Comm'n Reports 565 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
243. <i>Repeal of Probate Code Section 6402.5 (In-Law Inheritance)</i> , 20 Cal. L. Revision Comm'n Reports 571 (1990)	Not enacted <i>See 20:2220</i>
244. <i>Access to Decedent's Safe Deposit Box</i> , 20 Cal. L. Revision Comm'n Reports 597 (1990); 20 Cal. L. Revision Comm'n Reports 2859 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 20:2219; 21:20</i>
245. <i>Priority of Conservator or Guardian for Appointment as Administrator</i> , 20 Cal. L. Revision Comm'n Reports 607 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
246. <i>New Probate Code</i> , 20 Cal. L. Revision Comm'n Reports 1001 (1990)	Enacted. 1990 Cal. Stat. ch. 79 <i>See 20:2218</i>
247. <i>Notice in Probate Where Address Unknown</i> , 20 Cal. L. Revision Comm'n Reports 2245 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
248. <i>Jurisdiction of Superior Court in Trust Matters</i> , 20 Cal. L. Revision Comm'n Reports 2253 (1990)	Enacted. 1990 Cal. Stat. ch. 710 <i>See 20:2219</i>
249. <i>Uniform Management of Institutional Funds Act</i> , 20 Cal. L. Revision Comm'n Reports 2265 (1990)	Enacted. 1990 Cal. Stat. ch. 1307 <i>See 20:2220</i>
250. <i>Remedies for Breach of Assignment or Sublease Covenant</i> , 20 Cal. L. Revision Comm'n Reports 2405 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
251. <i>Use Restrictions</i> , 20 Cal. L. Revision Comm'n Reports 2421 (1990)	Enacted. 1991 Cal. Stat. ch. 67 <i>See 21:22</i>
252. <i>Uniform Statutory Rule Against Perpetuities</i> , 20 Cal. L. Revision Comm'n Reports 2501 (1990)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>

Recommendation	Action by Legislature
253. <i>Elimination of Seven-Year Limit for Durable Power of Attorney for Health Care</i> , 20 Cal. L. Revision Comm'n Reports 2605 (1990)	Enacted. 1991 Cal. Stat. ch. 896 <i>See 21:22</i>
254. <i>Recognition of Agent's Authority Under Statutory Form Power of Attorney</i> , 20 Cal. L. Revision Comm'n Reports 2629 (1990); 22 Cal. L. Revision Comm'n Reports 965 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
255. <i>Debts That Are Contingent, Disputed, or Not Due</i> , 20 Cal. L. Revision Comm'n Reports 2707 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
256. <i>Remedies of Creditor Where Personal Representative Fails to Give Notice</i> , 20 Cal. L. Revision Comm'n Reports 2719 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
257. <i>Repeal of Civil Code Section 704 (Passage of Ownership of U.S. Bonds on Death)</i> , 20 Cal. L. Revision Comm'n Reports 2729 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
258. <i>Disposition of Small Estate Without Probate</i> , 20 Cal. L. Revision Comm'n Reports 2737 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
259. <i>Right of Surviving Spouse to Dispose of Community Property</i> , 20 Cal. L. Revision Comm'n Reports 2769 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
260. <i>Litigation Involving Decedents</i> , 20 Cal. L. Revision Comm'n Reports 2785 (1990); 22 Cal. L. Revision Comm'n Reports 895 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
261. <i>Compensation in Guardianship and Conservatorship Proceedings</i> , 20 Cal. L. Revision Comm'n Reports 2837 (1990); 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See 22:853</i>
262. <i>Recognition of Trustees' Powers</i> , 20 Cal. L. Revision Comm'n Reports 2849 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
263. <i>Gifts in View of Impending Death</i> , 20 Cal. L. Revision Comm'n Reports 2869 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>

Recommendation	Action by Legislature
264. <i>TOD Beneficiary Designation for Vehicles and Certain Other State-Registered Property</i> , 20 Cal. L. Revision Comm'n Reports 2883 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
265. <i>1991 General Probate Bill</i> (miscellaneous provisions), see 20 Cal. L. Revision Comm'n Reports 2907 (1990)	Enacted. 1991 Cal. Stat. ch. 1055 <i>See 21:20</i>
266. <i>1991 Probate Urgency Clean-up Bill</i> , see 20 Cal. L. Revision Comm'n Reports 2909 (1990)	Enacted. 1991 Cal. Stat. ch. 82 <i>See 21:21</i>
267. <i>Application of Marketable Title Statute to Executory Interests</i> , 21 Cal. L. Revision Comm'n Reports 53 (1991)	Enacted. 1991 Cal. Stat. ch. 156 <i>See 21:21</i>
268. <i>Relocation of Powers of Appointment Statute</i> , 21 Cal. L. Revision Comm'n Reports 91 (1991)	Enacted. 1992 Cal. Stat. ch. 30 <i>See 22:853</i>
269. <i>Miscellaneous Creditors' Remedies</i> , 21 Cal. L. Revision Comm'n Reports 135 (1991)	Enacted. 1992 Cal. Stat. ch. 283 <i>See 22:853</i>
270. <i>Nonprobate Transfers of Community Property</i> , 21 Cal. L. Revision Comm'n Reports 163 (1991)	Enacted. 1992 Cal. Stat. ch. 51 <i>See 22:852</i>
271. <i>Notice of Trustees' Fees</i> , 21 Cal. L. Revision Comm'n Reports 191 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
272. <i>Nonprobate Transfer to Trustee Named in Will</i> , 21 Cal. L. Revision Comm'n Reports 201 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
273. <i>Preliminary Distribution Without Court Supervision</i> , 21 Cal. L. Revision Comm'n Reports 209 (1991)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
274. <i>Transfer of Conservatorship Property to Trust</i> , 21 Cal. L. Revision Comm'n Reports 227 (1991)	Enacted. 1992 Cal. Stat. ch. 572 <i>See 22:853</i>
275. <i>Family Code</i> , 22 Cal. L. Revision Comm'n Reports 1 (1992)	Enacted. 1992 Cal. Stat. chs. 162, 163 <i>See 22:851</i>
276. <i>Standing To Sue for Wrongful Death</i> , 22 Cal. L. Revision Comm'n Reports 955 (1992)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>
277. <i>1992 General Probate Bill</i> (miscellaneous provisions), see 22 Cal. L. Revision Comm'n Reports 977 (1990)	Enacted. 1992 Cal. Stat. ch. 178 <i>See 22:852</i>

Recommendation	Action by Legislature
278. <i>Special Needs Trust for Disabled Minor or Incompetent Person</i> , 22 Cal. L. Revision Comm'n Reports 989 (1992)	Enacted. 1992 Cal. Stat. ch. 355 <i>See</i> 22:853
279. <i>1994 Family Code</i> , 23 Cal. L. Revision Comm'n Reports 1, 5 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922
280. <i>Family Code: Child Custody</i> , 23 Cal. L. Revision Comm'n Reports 1, 15 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922
281. <i>Family Code: Reorganization of Domestic Violence Provisions</i> , 23 Cal. L. Revision Comm'n Reports 1, 23 (1993)	Enacted. 1993 Cal. Stat. ch. 219 <i>See</i> 23:922
282. <i>Deposit of Estate Planning Documents with Attorney</i> , 23 Cal. L. Revision Comm'n Reports 965 (1993)	Enacted. 1993 Cal. Stat. ch. 519 <i>See</i> 23:923
283. <i>Parent and Child Relationship for Intestate Succession</i> , 23 Cal. L. Revision Comm'n Reports 991 (1993)	Enacted. 1993 Cal. Stat. ch. 529 <i>See</i> 23:923
284. <i>Effect of Joint Tenancy Title on Marital Property</i> , 23 Cal. L. Revision Comm'n Reports 1013 (1993)	Not enacted <i>See</i> 24:568
285. <i>Trial Court Unification: Constitutional Revision (SCA 3)</i> , 24 Cal. L. Revision Comm'n Reports 1 (1994); <i>Trial Court Unification: Transitional Provisions for SCA 3</i> , 24 Cal. L. Revision Comm'n Reports 627 (1994)	Not enacted. Commission recommendations adopted in SCA 3 (1993-94), but SCA 3 not approved by Assembly. Commission recommendations largely enacted in SCA 4 (1996 Cal. Stat. res. ch. 36) – <i>See</i> 24:568; 28:707
286. <i>Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 111 (1994); <i>1995 Comprehensive Power of Attorney Law</i> , 24 Cal. L. Revision Comm'n Reports 323 (1994)	Enacted. 1994 Cal. Stat. ch. 307 <i>See</i> 24:567
287. <i>Orders To Show Cause and Temporary Restraining Orders</i> , 24 Cal. L. Revision Comm'n Reports 603 (1994)	Enacted. 1994 Cal. Stat. ch. 587 <i>See</i> 24:567
288. <i>Family Code Technical Amendments</i> . <i>See</i> 24 Cal. L. Revision Comm'n Reports 621 (1994); 26 Cal. L. Revision Comm'n Reports 175 (1996)	Enacted. 1994 Cal. Stat. ch. 1269; 1996 Cal. Stat. ch. 1061 <i>See</i> 24:567; 26:132
289. <i>Debtor-Creditor Relations</i> , 25 Cal. L. Revision Comm'n Reports 1 (1995)	Enacted in part. 1995 Cal. Stat. ch. 196 <i>See</i> 25:636, 707
290. <i>Administrative Adjudication by State Agencies</i> , 25 Cal. L. Revision Comm'n Reports 55 (1995)	Enacted. 1995 Cal. Stat. ch. 938 <i>See</i> 25:636, 711

Recommendation	Action by Legislature
291. <i>Uniform Prudent Investor Act</i> , 25 Cal. L. Revision Comm'n Reports 543 (1995). See also 25 Cal. L. Revision Comm'n Reports 673 (1995)	Enacted. 1995 Cal. Stat. ch. 63 See 25:636, 673
292. <i>Power of Attorney Law Technical Amendments</i> . See 25 Cal. L. Revision Comm'n Reports 709 (1995)	Enacted. 1995 Cal. Stat. ch. 300 See 25:637
293. <i>Statute of Limitations in Trust Matters: Probate Code Section 16460</i> , 26 Cal. L. Revision Comm'n Reports 1 (1996)	Enacted. 1996 Cal. Stat. ch. 862 See 26:132
294. <i>Inheritance From or Through Child Born Out of Wedlock</i> , 26 Cal. L. Revision Comm'n Reports 13 (1996)	Enacted. 1996 Cal. Stat. ch. 862 See 26:132
295. <i>Collecting Small Estate Without Administration</i> , 26 Cal. L. Revision Comm'n Reports 21 (1996)	Enacted. 1996 Cal. Stat. ch. 563 See 26:132
296. <i>Repeal of Civil Code Section 1464: The First Rule in Spencer's Case</i> , 26 Cal. L. Revision Comm'n Reports 29 (1996)	Enacted. 1998 Cal. Stat. ch. 14 See 28:706
297. <i>Homestead Exemption</i> , 26 Cal. L. Revision Comm'n Reports 37 (1996)	Not enacted See 26:133
298. <i>Tolling Statute of Limitations When Defendant Is Out of State</i> , 26 Cal. L. Revision Comm'n Reports 83 (1996)	Enacted in part (technical amendments). 1997 Cal. Stat. ch. 1012, §§ 13, 14 – See 27:555, 623
299. <i>Administrative Adjudication Technical Amendments</i> , 26 Cal. L. Revision Comm'n Reports 171 (1996)	Enacted. 1996 Cal. Stat. ch. 390 See 26:132
300. <i>Unfair Competition Litigation</i> , 26 Cal. L. Revision Comm'n Reports 191 (1996)	Not enacted See 27:555
301. <i>Administrative Adjudication by Quasi-Public Entities</i> , 26 Cal. L. Revision Comm'n Reports 277 (1996)	Enacted. 1997 Cal. Stat. ch. 220 See 27:554, 593
302. <i>Marketable Title: Enforceability of Land Use Restrictions</i> , 26 Cal. L. Revision Comm'n Reports 289 (1996)	Enacted in part. 1998 Cal. Stat. ch. 14 See 28:706
303. <i>Attachment by Undersecured Creditors</i> , 26 Cal. L. Revision Comm'n Reports 307 (1996)	Enacted. 1997 Cal. Stat. ch. 222 See 27:554
304. <i>Ethical Standards for Administrative Law Judges</i> , 26 Cal. L. Revision Comm'n Reports 335 (1996)	Enacted. 1998 Cal. Stat. ch. 95 See 28:706

Recommendation	Action by Legislature
305. <i>Best Evidence Rule</i> , 26 Cal. L. Revision Comm'n Reports 369 (1996)	Enacted. 1998 Cal. Stat. ch. 100 <i>See</i> 28:706
306. <i>Mediation Confidentiality</i> , 26 Cal. L. Revision Comm'n Reports 407 (1996)	Enacted. 1997 Cal. Stat. ch. 772 <i>See</i> 27:554, 595
307. <i>Judicial Review of Agency Action</i> , 27 Cal. L. Revision Comm'n Reports 1 (1997)	Not enacted <i>See</i> 28:708
308. <i>Business Judgment Rule</i> , 28 Cal. L. Revision Comm'n Reports 1 (1998)	Not enacted <i>See</i> 28:708
309. <i>Trial Court Unification: Revision of Codes</i> , 28 Cal. L. Revision Comm'n Reports 51 (1998)	Enacted. 1998 Cal. Stat. ch. 931 <i>See</i> 28:707
310. <i>Response to Demand for Production of Documents in Discovery</i> , 28 Cal. L. Revision Comm'n Reports 561 (1998)	Enacted. 1998 Cal. Stat. ch. 932 <i>See</i> 28:708
311. <i>Uniform TOD Security Registration Act</i> , 28 Cal. L. Revision Comm'n Reports 577 (1998)	Enacted. 1998 Cal. Stat. ch. 242 <i>See</i> 28:707
312. <i>Administrative Rulemaking: Consent Regulations and Other Noncontroversial Regulations</i> , 28 Cal. L. Revision Comm'n Reports 625 (1998)	Vetoed <i>See</i> 29:605
313. <i>Administrative Rulemaking: Advisory Interpretations</i> , 28 Cal. L. Revision Comm'n Reports 657 (1998)	Vetoed <i>See</i> 29:605
314. <i>Health Care Decisions for Adults Without Decisionmaking Capacity</i> , 29 Cal. L. Revision Comm'n Reports 1 (1999)	Enacted. 1999 Cal. Stat. ch. 658 <i>See</i> 29:604
315. <i>Uniform Principal and Income Act</i> , 29 Cal. L. Revision Comm'n Reports 245 (1999)	Enacted. 1999 Cal. Stat. ch. 145 <i>See</i> 29:604
316. <i>Admissibility, Discoverability, and Confidentiality of Settlement Negotiations</i> , 29 Cal. L. Revision Comm'n Reports 345 (1999)	Not enacted <i>See</i> 30:676
317. <i>Air Resources Technical Revisions</i> , 29 Cal. L. Revision Comm'n Reports 409 (1999)	Enacted. 2000 Cal. Stat. ch. 890 <i>See</i> 30:676
318. <i>Administrative Rulemaking</i> , 29 Cal. L. Revision Comm'n Reports 459 (1999)	Enacted. 2000 Cal. Stat. ch. 1060 <i>See</i> 30:676

Recommendation	Action by Legislature
319. <i>Trial Court Unification Follow-Up</i> , 29 Cal. L. Revision Comm'n Reports 657 (1999)	Enacted. 1999 Cal. Stat. ch. 344 <i>See 29:604</i>
320. <i>Enforcement of Judgments Under the Family Code: Technical Revisions</i> , 29 Cal. L. Revision Comm'n Reports 695 (1999)	Enacted. 2000 Cal. Stat. ch. 808 <i>See 30:675</i>
321. <i>Eminent Domain Valuation Evidence: Clarification of Evidence Code Section 822</i> , 29 Cal. L. Revision Comm'n Reports 733 (1999)	Enacted. 2000 Cal. Stat. ch. 948 <i>See 30:676</i>
322. <i>Alternate Distributee for Unclaimed Distribution</i> , 29 Cal. L. Revision Comm'n Reports 743 (1999)	Enacted. 2000 Cal. Stat. ch. 17 <i>See 30:675</i>
323. <i>Jurisdictional Classification of Good Faith Improver Claims</i> , 30 Cal. L. Revision Comm'n Reports 281 (2000)	Enacted. 2000 Cal. Stat. ch. 688 <i>See 30:675</i>
324. <i>Trout Affidavit</i> , 30 Cal. L. Revision Comm'n Reports 319 (2000)	Enacted. 2000 Cal. Stat. ch. 167 <i>See 30:675</i>
325. <i>Improving Access to Rulemaking Information Under the Administrative Procedure Act</i> , 30 Cal. L. Revision Comm'n Reports 517 (2000)	Enacted. 2000 Cal. Stat. ch. 1060 <i>See 30:676</i>

APPENDIX 4

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 808 OF THE STATUTES OF 2000 (ASSEMBLY BILL 1358)

Enforcement of Judgments Under the Family Code: Technical Revisions

Chapter 808 of the Statutes of 2000 was introduced as Assembly Bill 1358 by Assembly Members Kevin Shelley and Sheila James Kuehl. It includes provisions implementing the California Law Revision Commission recommendation on *Enforcement of Judgments Under the Family Code: Technical Revisions*, 29 Cal. L. Revision Comm'n Reports 695 (1999). The revised Comments set out below supersede the comparable Comments in the recommendation.

Code Civ. Proc. § 683.130 (amended). Time for filing application for renewal of judgment

Comment. Subdivision (c) of Section 683.130 is deleted as unnecessary because it duplicates rules in the Family Code. See Fam. Code § 4502. This is not a substantive change. The exemption from renewal requirements for support orders in subdivision (c)(1) is unnecessary because Section 683.310 makes clear that this chapter does not apply to judgments or orders made or entered under the Family Code. Reimbursement for child support under Family Code Section 17402 is treated in the same fashion, as provided in Family Code Section 4502(a). The second sentence of subdivision (c)(1) is misplaced in this section pertaining to the time for filing an application for renewal. The period of enforceability of support orders is governed by Family Code Section 4502(a). The optional renewal procedure in Family Code Section 4502(b) continues the substance of subdivision (c)(2) of this section. See also Fam. Code § 290 (methods of enforcement).

Code Civ. Proc. § 683.310 (amended). Judgments under Family Code

Comment. Section 683.310 is amended to accommodate other exceptions in the Family Code concerning enforcement of judgments and

the likelihood of future revisions in the Family Code. This is a technical, nonsubstantive change. Family Code Section 4502 provides an important exception, making the ministerial renewal scheme under the Enforcement of Judgments Law available as an option for support judgments. Moreover, Family Code Section 291 makes this chapter applicable to enforceability and renewal of judgments for possession or sale entered under the Family Code.

Code Civ. Proc. § 699.510 (amended). Issuance of writ of execution

Comment. The references to specific Family Code sections in subdivision (b) of Section 699.510 are deleted as unnecessary. If the court has made an order under Family Code Section 290 that affects the right to enforce support obligations by writ of execution, the order would have to be complied with. The reference to former Section 291 is obsolete; the new Section 291 does not apply to money judgments, and so is outside the scope of this section. References to Family Code Sections 2026 (reconciliation as amelioration of contempt) and 3556 (duty of support unaffected by failure or refusal of custody or visitation) are not relevant to issuance of a writ of execution under this section. The reference to Family Code Section 5100 *et seq.* is no longer relevant because the time limits on enforceability by writ have been removed from those sections. See former Fam. Code §§ 5100-5101, as amended by 1993 Cal. Stat. ch. 876, §§ 21-22. The general reference to compliance with any additional rules in the Family Code is retained to draw attention to the possibility that special rules may exist or may be enacted in the future.

The references to Family Code Sections 2026 (reconciliation of parties to be considered as ameliorating factor in considering contempt of existing order) and 3556 (duty of support not affected by failure or refusal of custodial parent to implement custody or visitation rights of noncustodial parent) are unrelated to the purpose of this section. Issuance of a writ of execution to enforce a money judgment does not have anything to do with enforcement by contempt. Use of the contempt power to enforce payment of support is distinct from enforcement by a writ of execution. Reference to Section 3556 seems irrelevant since that section provides that there is no excuse. The original intent of subdivision (b) was to recognize the court's authority to control enforcement by writ for amounts that were more than 10 years overdue, including the diligence rule in what became Family Code Section 291.

While the general authority of the court under Family Code Section 290 still exists, there are no limitations on writ issuance stated in the listed sections. Family Code Section 5100 provides that a writ may be used without prior court approval.

Fam. Code § 290 (amended). Methods and time of enforcement

Comment. Section 290 provides the general rule on enforcement of judgments under the Family Code. The introductory clause is added to recognize the exception in Section 291, which makes the general rules concerning the period of enforceability and renewal of judgments in the Enforcement of Judgments Law applicable to judgments for the possession or sale of property under the Family Code. Thus, for example, a judgment for sale would be unenforceable if it is not renewed within the 10-year period of Code of Civil Procedure Section 683.020. However, an action on the judgment may still be possible subject to the statute of limitations in Code of Civil Procedure Section 337.5. See Code Civ. Proc. § 683.020 & Comment. This amendment does not affect the rules concerning enforcement of child, family, or spousal support. See, e.g., Sections 4502, 5100 *et seq.*

Fam. Code § 291 (added). Time of enforcement of judgment for possession or sale

Comment. Section 291 applies the general rules concerning the period of enforceability and renewal of judgments in the Enforcement of Judgments Law to judgments for the possession or sale of property under the Family Code. This provision does not affect the rules concerning enforcement of child, family, or spousal support. See, e.g., Sections 4502 (period of support enforceability not limited; optional renewal of support judgments), 5100 (enforcement of support by execution without prior court approval).

See also Section 113 (“property” includes real and personal property).

Fam. Code § 5100 (amended). Enforcement of child, family, or spousal support without prior court approval

Comment. Section 5100 is amended to change the introductory “notwithstanding” clause to refer to Section 290 instead of Section 291. Section 290 provides the general rule concerning judicial discretion in enforcing judgments under the Family Code to which this section is an exception. Additionally, former Section 291 has been repealed and replaced by a new Section 291 that is not relevant to this section.

The scope of this section has been expanded to cover enforcement of spousal support, formerly governed by Section 5101. This is not a substantive change. Separate treatment of spousal support became unnecessary when the rules governing support enforcement were unified. See Sections 290, 290, 4502.

The erroneous reference to former Welfare and Institutions Code Section 11350.7 (repealed by 1999 Cal. Stat. ch. 478, § 15) has been corrected.

Fam. Code § 5101 (repealed). Enforcement of spousal support without prior court approval

Comment. The substance of former Section 5101 is continued in Section 5100 (enforcement of child, family, or spousal support without prior court approval). Separate treatment of spousal support became unnecessary when the rules governing support enforcement were unified. See Sections 290, 4502, 5100.

APPENDIX 5

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 890 OF THE STATUTES OF 2000 (ASSEMBLY BILL 2939)

Air Resources

Chapter 890 of the Statutes of 2000 was introduced as Assembly Bill 2939 by the Assembly Natural Resources Committee. It implements the California Law Revision Commission recommendation on *Air Resources Technical Revisions*, 29 Cal. L. Revision Comm'n Reports 409 (1999). The revised Comments set out below supersede the comparable Comments in the recommendation and reflect a technical correction and an amendment to the bill made during the legislative process.

Health & Safety Code § 39016.5 (repealed). Bureau

Comment. Section 39016.5 is repealed. The section was subject to an uncodified operation contingency that has not been satisfied. See 1994 Cal. Stat. ch. 1192, § 32; Air Resources Bd., California Envntl. Protection Agency, California Air Pollution Control Laws 4 (1998). However, the definition of “bureau” provided by the former section is useful — the term is used in this division. In order to clarify the meaning of “bureau,” as used in this division, the substance of former Health and Safety Code Section 39016.5 is continued in the new Section 39016..5.

Health & Safety Code § 39513 (amended). Meetings

Comment. Section 39513 is amended for gender neutrality and to correct an obsolete reference.

APPENDIX 6

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 948 OF THE STATUTES OF 2000 (ASSEMBLY BILL 321)

Eminent Domain Valuation Evidence

Chapter 948 of the Statutes of 2000 was introduced as Assembly Bill 321 by Assembly Member Scott Wildman. It implements the California Law Revision Commission recommendation on *Eminent Domain Valuation Evidence: Clarification of Evidence Code Section 822*, 29 Cal. L. Revision Comm'n Reports 733 (1999). The revised Comment set out below supersedes the comparable Comment in the recommendation.

Evid. Code § 822 (amended). Matter inadmissible as evidence

Comment. Subdivision (a)(1) of Section 822 is amended to delete the special exception relating to property appropriated to public use, in reliance on general evidentiary principles. See, e.g., Section 823 ("Notwithstanding any other provision of this article, the value of property for which there is no relevant, comparable market may be determined by any method of valuation that is just and equitable."); see also Code Civ. Proc. § 1263.320(b) (fair market value). Thus, evidence of an acquisition that is otherwise inadmissible under subdivision (a)(1) may, in an appropriate case, be admissible under Section 823 if a private market is lacking, e.g., the acquisition involves a special purpose property such as a school, church, cemetery, park, utility corridor, or similar property.

The new exception added to subdivision (a)(1) is intended to apply in an eminent domain or inverse condemnation proceeding that relates to a public agency's acquisition or taking of all or any part of a water system owned by a water company.

Subdivision (c) is deleted as obsolete.

APPENDIX 7

REPORT OF THE CALIFORNIA LAW REVISION COMMISSION ON CHAPTER 1060 OF THE STATUTES OF 2000 (ASSEMBLY BILL 1822)

Administrative Rulemaking

Chapter 1060 of the Statutes of 2000 was introduced as Assembly Bill 1822 by Assembly Member Howard Wayne. It implements two California Law Revision Commission recommendations: *Administrative Rulemaking*, 29 Cal. L. Revision Comm'n Reports 459 (1999), and *Improving Access to Rulemaking Information Under the Administrative Procedure Act*, 30 Cal. L. Revision Comm'n Reports 517 (2000). The revised Comments set out below supersede the comparable Comments in the recommendations and reflect technical corrections and amendments to the bill made during the legislative process.

Gov't Code § 8546 (amended). Legislative intent regarding Bureau of State Audits

Comment. Section 8546 is amended to correct the reference to former Section 11342, which has been continued without substantive change in Article 2 (commencing with Section 11342.510) of Chapter 3.5 of Part 1 of Division 3 and in Section 11340.9(b)-(d).

Gov't Code § 11340.85 (added). Electronic communication

Comment. Section 11340.85 is new. Subdivision (b) authorizes the use of electronic communications in adopting a regulation under this chapter.

Subdivision (c) requires electronic publication of certain rulemaking documents by an agency that maintains a website or similar electronic communication forum. Provisions requiring a "public notice" as defined in paragraph (1) include Sections 11346.4 (notice of proposed action), 11346.8(a) (notice of hearing), and 11346.8(b) (notice of continuance or

postponement of hearing), and Section 44 of Title 1 of the California Code of Regulations (notice of changes to proposed regulation).

Use of electronic communications pursuant to this section supplements other required forms of publication or distribution. See subdivisions (b)(2) & (d). See also Section 11342(b) (“office” means Office of Administrative Law).

Gov’t Code § 11344.1 (amended). California Regulatory Notice Register

Comment. Subdivision (a)(3) of Section 11344.1 is amended to ratify the existing practice of publishing detailed summaries of regulation decisions, rather than the decisions themselves. The complete decisions are public documents and can be obtained from the Office of Administrative Law.

Subdivision (a)(4) is amended to improve its clarity. This change is technical and is not intended to affect the meaning of the section.

This section also contains language from 2000 Cal. Stat. ch. 1059, § 7, which was chaptered out by the bill amending this section. See 2000 Cal. Stat. ch. 1060, §§ 14.5 & 44.

Gov’t Code § 11346.1 (amended). Emergency regulations

Comment. Subdivision (a) of Section 11346.1 is amended to make three technical changes:

(1) The provision establishing an exception to the requirements of this article for “any regulation not required to be filed with the Secretary of State under this chapter” is deleted. The substance of this exception is continued in Section 11340.9(g)-(i). This change also resolves an inconsistency between Section 11356(b), which expressly requires building standards to be adopted under this article, and the deleted language, which exempted building standards from the requirements of this article.

(2) An inconsistency between this section and Financial Code Section 3373 is eliminated.

(3) A redundant reference to Financial Code Section 8054 is eliminated.

Subdivision (c) is amended to use the defined term “building standard,” to correct a grammatical error, and to reflect the change in the name of the California Building Standards Commission. See Section 11342.530 (“building standard” defined).

Subdivision (e) is amended to correct an underinclusive reference.

Subdivision (h) is amended to improve its clarity, without affecting its substance.

Gov't Code § 11346.2 (amended). Notification of Office of Administrative Law

Comment. Subdivision (a)(1) of Section 11346.2 is a specific application of Section 6215(a) (state agency “shall write each document which it produces in plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style”). The requirement that a regulation be written in plain English has been expanded to include all regulations and not just those that affect small business. Plain English means language that satisfies the clarity standard expressed in Section 11349. See Section 11342.580 (“plain English” defined). Note that the former provision requiring the preparation of a plain English summary of a proposed regulation affecting small businesses, where the regulation cannot be drafted in plain English, has been broadened to apply to all regulations and continued in Section 11346.5(a)(3)(B). See Sections 11342.580 (“plain English” defined), 11349(c) (clarity standard).

Former subdivision (b)(1) (description of problem addressed) is deleted as unnecessary; the same information is required by former subdivision (b)(2) (statement of purpose for proposed action).

Former subdivision (b)(5) is revised to eliminate the implication that a final finding is required before the agency has received comment on a proposed action.

This section also contains language from 2000 Cal. Stat. ch. 1059, § 9, which was chaptered out by the bill amending this section. See 2000 Cal. Stat. ch. 1060, §§ 22.5 & 44.

Gov't Code § 11346.5 (amended). Notice contents

Comment. Subdivision (a)(3)(B) of Section 11346.5 is amended to broaden the plain English policy statement requirement to apply to all proposed actions, and not just those affecting small business. The informative digest is also expanded to include a plain English summary of the regulation. See Sections 11342.580 (“plain English” defined), 11349(c) (clarity standard).

Paragraphs (7)-(8) and former paragraph (11) of subdivision (a) are amended to make clear that final findings are not required before the agency has received comment on a proposed action. Paragraphs (7)-(8) are also amended to provide that those provisions apply to the repeal of a regulation, as well as the adoption, or amendment of a regulation.

Paragraph (11) is added to subdivision (a) to include a finding that it is necessary for the health, safety, or welfare of the people of the state that a regulation requiring a report apply to businesses. This implements Section 11346.3(c).

Paragraphs (18)-(19) are added to subdivision (a) to provide that the notice of proposed action must include statements explaining how to obtain the final statement of reasons and any electronically published documents. See also Sections 11340.85(c) (electronic publication of rulemaking materials),

This section also contains language from 2000 Cal. Stat. ch. 1059, § 13, which was chaptered out by the bill amending this section. See 2000 Cal. Stat. ch. 1060, §§ 24.5 & 44.

Gov't Code § 11346.8 (amended). Public hearing

Comment. Subdivision (a) of Section 11346.8 is amended to make clear that oral testimony must be allowed at a public hearing, subject to reasonable time, repetition, or other limitations by the agency.

Subdivision (d) is amended to refer to Section 11347.1, which codifies the existing procedure for providing an additional opportunity for public comment in response to material added to the rulemaking file. See 1 Cal. Code Regs. § 45. Section 11347.1 requires additional public comment on certain material that is added to the rulemaking file after publication of the notice of proposed action. This is a broader requirement than that provided in subdivision (d), which only requires an opportunity for additional comment regarding material that is added to the rulemaking file after the close of the public hearing or comment period. The broader requirement is consistent with existing practice. Subdivision (d) is also amended to exempt material that is required to be added to the rulemaking file after the close of the public hearing or comment period. See Section 11346.9 (final statement of reasons and updated informative digest). However, if the final statement of reasons refers to documents not previously included in the rulemaking file, an opportunity for additional public comment regarding those documents must be provided. See Section 11346.9(a)(1).

This section also contains language from 2000 Cal. Stat. ch. 1059, § 16, which was chaptered out by the bill amending this section. See 2000 Cal. Stat. ch. 1060, §§ 26.5 & 44.

Gov't Code § 11346.9 (amended). Final statement of reasons and updated informative digest

Comment. Subdivision (a)(1) of Section 11346.9 is amended to refer to Section 11347.1, which codifies the existing procedure for providing an additional opportunity for public comment in response to material added to the rulemaking file. See 1 Cal. Code Regs. § 45. Subdivision (a) requires additional public comment on certain material that is added to the rulemaking file after publication of the notice of proposed action. This is a broader requirement than that provided in Section 11346.8(d),

which only requires an opportunity for additional comment regarding material that is added to the rulemaking file after the close of the public hearing or comment period. The broader requirement is consistent with existing practice.

Subdivision (a)(1)-(2) is also amended to make clear that those provisions apply to the repeal of a regulation as well as the adoption or amendment of a regulation.

Subdivision (a)(3) is amended to codify the existing practice of grouping repetitive comments and summarily dismissing irrelevant comments for purposes of this section. The Office of Administrative Law may disapprove a proposed regulation if an agency improperly aggregates dissimilar comments or summarily dismisses a relevant comment. See Section 11349.3 (office may disapprove regulation for failure to comply with this chapter).

Subdivision (d) is added to authorize incorporation of a prior statement by reference. This reflects the fact that no purpose is served by requiring an agency to reiterate a statement that was made earlier in the rulemaking process. For example, where an agency determines pursuant to Section 11346.5(a)(6) that a proposed rule would not impose a cost on a local agency or school district and, at the time of preparing the final statement of reasons, determines that its prior determination is correct and complete, the agency may incorporate the statement made pursuant to Section 11346.5(a)(6) in complying with Section 11346.9(a)(2).

Gov't Code § 11347.3 (amended). File of rulemaking proceeding

Comment. Subdivision (a) of Section 11347.3 is amended to make clear that the rulemaking file is available to the public throughout the rulemaking process. The amendment is not intended to affect agency practice regarding where the agency makes the record available to the public. If an agency properly limits the locations at which the rulemaking file may be inspected, it may continue to do so.

Subdivision (b)(9) is amended to improve its clarity, without affecting its substance.

Gov't Code § 11349 (amended). Standards

Comment. Subdivision (a) of Section 11349 is amended to clarify the meaning of “necessity,” by placing it in the context of the purpose of the regulation. This is consistent with other provisions that relate to the necessity of a regulation. See Gov't Code §§ 11342.2 (regulation not valid unless “reasonably necessary to effectuate the purpose of statute” authorizing the regulation), 11350 (court may find regulation invalid if agency determination that the regulation “is reasonably necessary to effectuate the purpose of the statute, court decision, or other provision of

law that is being implemented, interpreted, or made specific by the regulation” is not supported by substantial evidence). This is a nonsubstantive change.

Gov’t Code § 11350 (amended). Judicial review of validity of regulation

Comment. Section 11350 is amended to provide for judicial review of an order of repeal, as well as a regulation. This is consistent with the provision authorizing review of an emergency order of repeal.

Subdivision (a) is also amended to eliminate an ambiguity regarding the statement an agency prepares on proposing an emergency regulation. This change is technical and is not intended to affect the meaning of the section.

Subdivision (d) is added to correct inadequacies in the former provision limiting the record of review to the rulemaking file. Subdivision (d)(1) restates part of the substance of the former second paragraph of Section 11350(b)(2), limiting the record of review to the rulemaking file prepared under Section 11347.3. Subdivision (d)(2) permits consideration of an agency statement prepared under Section 11346.1(b) (justifying emergency regulation). Such a statement is not part of a rulemaking file prepared under Section 11347.3. See Section 11346.1(a). Subdivision (d)(3) permits consideration of a document that should have been included in the rulemaking file but was not, in order to prove its omission. Such evidence may be necessary to prove a substantial failure to follow required procedures. For example, an agency’s failure to include a public comment in the rulemaking file may constitute a substantial failure to follow required procedures. See Section 11347.3(b)(6) (written public comments must be included in rulemaking file). Proof of such an omission requires consideration of the omitted item. Subdivision (d)(4) permits consideration of any relevant evidence for the purpose of determining whether a regulation used by an agency is required to be adopted under this chapter — i.e., whether it is an invalid “underground regulation.” See Section 11340.5 (issuance or use of regulation that has not been adopted is prohibited). Note that evidence offered to prove that an agency has used a regulation that is required to be adopted under the rulemaking procedure will typically be documentary evidence, but a court may consider oral testimony in appropriate circumstances (e.g., to judge the credibility of an affiant or declarant).

APPENDIX 8

COMMISSION PUBLICATIONS

Since 1955, the California Law Revision Commission's annual reports, recommendations, and studies have been published in separate pamphlets, which are later bound in a small edition of hardcover volumes.

Beginning in 1991 (Volume 21), Commission publications have been assigned volume numbers on an annual basis. This permits the Commission to continue to print pamphlets without being committed to producing a hardcover volume at any particular time. Producing materials with an annual volume number also makes it easy for libraries to bind their own annual volumes. Cumulative tables and title pages are prepared in connection with each new bound volume. When the Commission's budget permits, this material is separately published to facilitate self-binding.

Individual pamphlets are now assigned a sequential publication number to facilitate cataloging and ordering. The publication number is printed on the inside cover of each pamphlet since #189 (Volume 26) and publication numbers have been assigned retroactively to all pamphlets from the first in 1955.

How To Obtain Law Revision Commission Publications

Commission publications may be obtained from:

California Law Revision Commission
4000 Middlefield Road, Room D-1
Palo Alto, CA 94303-4739
Tel: 650-494-1335

Payment in advance is generally required for publications that are available only by purchase. Checks or money orders should be made payable to the "California Law Revision Commission."

Orders should include the titles of the requested publications, the quantity desired, and the street address to which the order is to be sent (*not* a post office box number).

Prices

The price of hardcover volumes of the Commission's *Reports*, *Recommendations*, and *Studies* is now \$60. The price is based on

the physical volume, not the volume number — thus, the combined Volume 21-22 is priced at \$60. California residents must add sales tax.

Printed reports in pamphlet form are available on request. The first copy is free and additional copies are available for the price indicated below.

Where applicable, the price of Commission pamphlets is determined by the number of pages, unless a special price has been set (as with booklets of, say, 400 pages or more):

10 or fewer pages:	\$5.50
11-50 pages:	\$8.50
51-100 pages:	\$18.00
101 or more pages:	\$25.00

All prices are subject to change without notice.

Publication Table

The bound volumes and separate pamphlets listed below are available unless noted as being out of print. For some years, only a few copies remain. If a bound volume is out of print, individual pamphlets from that volume may still be available. Conversely, some pamphlets are unavailable on an individual basis, but can be found in available bound volumes.

Prices are indicated only for individual pamphlets that are still in print.

A frequently updated version of the publication list is available on the Internet at <http://www.clrc.ca.gov> — the Commission's website. The Internet version of the publication list also provides a current count of the number of remaining copies of the scarcer publications.

Key to Publication Table

The first column lists the publication number.

The second column gives the publication title, and includes a list of the recommendations and studies included within a pamphlet that contains more than one item.

In the third column, the first line lists the month and year of the publication, followed by a citation to the volume and page number (in the format vol:page). The second line lists the number of pages

in the pamphlet and gives its standard price, unless it is out of print (indicated by OOP).

Volume 1 (1957)		[Hardcover Volume Out of Print]	
#1	1955 [Annual] Report [for 1954] — includes: • Homestead Law and Probate Code Sections 640 to 646 • Summary Disposition of Small Estates Under Probate Code Sections 640 to 646	1/55 59 pp	1:1-1 OOP
#2	1956 [Annual] Report [for 1955] — includes: • Comparative Survey of the California Inheritance and Gift Tax Laws and the Federal Estate and Gift Tax Laws	3/56 63 pp	1:2-1 OOP
#3	1957 [Annual] Report [for 1956]	1/57 28 pp	1:3-1 OOP
#4	Maximum Period of Confinement in a County Jail — includes: • Maximum Period of Confinement in a County Jail (Rec) • Penal Code Section 19a and Related Code Sections (Study)	10/56 34 pp	1:A-1 OOP
#5	Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions — includes: • Notice of Application for Attorney's Fees and Costs in Domestic Relations Actions (Rec) • Use of Motions and Orders To Show Cause in Connection with Awards of Attorney's Fees and Costs Pursuant to Civil Code Section 137.3 (Study)	11/56 13 pp	1:B-1 OOP
#6	Taking Instructions to the Jury Room — includes: • Taking Instructions to the Jury Room (Rec) • Whether the Jury Should Be Given a Copy of the Court's Instructions To Take into the Jury Room (Study)	11/56 17 pp	1:C-1 OOP
#7	Dead Man Statute — includes: • Dead Man Statute (Rec) • Whether the Dead Man Statute Should Be Modified or Repealed (Study)	2/57 54 pp	1:D-1 OOP
#8	Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere — includes: • Rights of Surviving Spouse in Property Acquired by Decedent While Domiciled Elsewhere (Rec) • Whether Section 201.5 of the Probate Code Should Be Revised (Study)	12/56 39 pp	1:E-1 OOP
#9	Marital "For and Against" Testimonial Privilege — includes: • Marital "For and Against" Testimonial Privilege (Rec) • Whether the "For and Against" Testimonial Privilege of Married Persons Should Be Revised (Study)	11/56 20 pp	1:F-1 OOP
#10	Suspension of the Absolute Power of Alienation — includes: • Suspension of the Absolute Power of Alienation (Rec) • Whether the Sections of the Civil Code Prohibiting Suspension of the Absolute Power of Alienation Should Be Repealed (Study)	11/56 32 pp	1:G-1 OOP
#11	Elimination of Obsolete Provisions in Penal Code Sections 1377 and 1378	10/56 4 pp	1:H-1 \$5.50

#12	Judicial Notice of the Law of Foreign Countries — includes: • Judicial Notice of the Law of Foreign Countries (Rec) • Whether California Courts Should Take Judicial Notice of the Law of Foreign Countries (Study)	2/57 24 pp	1:I-1 OOP
#13	Choice of Law Governing Survival of Actions — includes: • Choice of Law Governing Survival of Actions (Rec) • Law Which Should Govern Survival of Actions Arising in Another State When Suit Is Brought in California (Study)	2/57 20 pp	1:J-1 OOP
#14	Effective Date of an Order Ruling on a Motion for New Trial — includes: • Effective Date of an Order Ruling on a Motion for New Trial (Rec) • Effective Date of New Trial Orders in Relation to Section 660 of the Code of Civil Procedure (Study)	2/57 27 pp	1:K-1 OOP
#15	Retention of Venue for Convenience of Witnesses — includes: • Retention of Venue for Convenience of Witnesses (Rec) • California Law Relating to Retention of Venue for Convenience of Witnesses (Study)	2/57 29 pp	1:L-1 OOP
#16	Bringing New Parties into Civil Actions — includes: • Bringing New Parties into Civil Actions (Rec) • California Law Relating to Bringing in New Parties in Civil Actions (Study)	2/57 24 pp	1:M-1 OOP

Volume 2 (1959)

[Hardcover Volume Out of Print]

#17	1958 [Annual] Report [for 1957]	3/58 25 pp	2:I-1 \$8.50
#18	1959 [Annual] Report [for 1958] — includes: • Procedure for Appointing Guardians	1/59 29 pp	2:2-1 \$8.50
#19	Presentation of Claims Against Public Entities — includes: • Presentation of Claims Against Public Entities (Rec) • Presentation of Claims Against Public Entities (Study)	1/59 128 pp	2:A-1 \$25.00
#20	Right of Nonresident Aliens To Inherit — includes: • Right of Nonresident Aliens To Inherit (Rec) • Right of Nonresident Aliens To Inherit (Study)	1/59 32 pp	2:B-1 \$8.50
#21	Mortgages To Secure Future Advances — includes: • Mortgages To Secure Future Advances (Rec) • Mortgages To Secure Future Advances (Study)	11/58 26 pp	2:C-1 \$8.50
#22	Doctrine of Worthier Title — includes: • Doctrine of Worthier Title (Rec) • Whether the Doctrine of Worthier Title Should Be Abolished in California (Study)	1/59 38 pp	2:D-1 \$8.50
#23	Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving — includes: • Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Drunk Driving (Rec) • Overlapping Provisions of Penal and Vehicle Codes Relating to Taking of Vehicles and Driving While Intoxicated (Study)	11/58 22 pp	2:E-1 \$8.50

#24	Time Within Which Motion for New Trial May Be Made — includes:	11/58 16 pp	2:F-1 \$8.50
	• Time Within Which Motions for New Trial and To Vacate Judgment May Be Made (Rec)		
	• Time Within Which a Motion for a New Trial May Be Made When Notice of Entry of Judgment Has Not Been Given (Study)		
#25	Notice to Shareholders of Sale of Corporate Assets — includes:	1/59 18 pp	2:G-1 \$8.50
	• Notice to Shareholders of Sale of Corporate Assets (Rec)		
	• Notice to Shareholders of a Sale of All or Substantially All of the Assets of a Corporation (Study)		

Volume 3 (1961)

[Hardcover Volume Out of Print]

#26	1960 [Annual] Report [for 1959]	3/60 15 pp	3:1-1 OOP
#27	1961 [Annual] Report [for 1960]	1/61 15 pp	3:2-1 OOP
#28	Evidence in Eminent Domain Proceedings — includes:	10/60 65 pp	3:A-1 \$18.00
	• Evidence in Eminent Domain Proceedings (Rec)		
	• Evidence in Eminent Domain Proceedings (Study)		
#29	Taking Possession and Passage of Title in Eminent Domain Proceedings — includes:	10/60 66 pp	3:B-1 OOP
	• Taking Possession and Passage of Title in Eminent Domain Proceedings (Rec)		
	• Taking Possession and Passage of Title in Eminent Domain Proceedings (Study)		
#30	Reimbursement for Moving Expenses when Property Is Acquired for Public Use — includes:	10/60 36 pp	3:C-1 OOP
	• Reimbursement for Moving Expenses when Property Is Acquired for Public Use (Rec)		
	• Reimbursement for Moving Expenses when Property Is Acquired for Public Use (Study)		
#31	Rescission of Contracts — includes:	10/60 35 pp	3:D-1 OOP
	• Rescission of Contracts (Rec)		
	• Rescission of Contracts (Study)		
#32	Right to Counsel and the Separation of the Delinquent Minor from the Nondelinquent Minor in Juvenile Court Proceedings — includes:	10/60 43 pp	3:E-1 OOP
	• Right to Counsel and the Separation of the Delinquent Minor from the Nondelinquent Minor in Juvenile Court Proceedings (Rec)		
	• Juvenile's Right to Counsel and the Designation of Nondelinquent Minor As "Ward of the Juvenile Court" (Study)		
#33	Survival of Actions — includes:	10/60 26 pp	3:F-1 OOP
	• Survival of Actions (Rec)		
	• Survival of Tort Actions (Study)		
#34	Arbitration — includes:	12/60 64 pp	3:G-1 OOP
	• Arbitration (Rec)		
	• Arbitration (Study)		

#35	Presentation of Claims Against Public Officers and Employees — includes: • Presentation of Claims Against Public Officers and Employees (Rec) • Presentation of Claims Against Public Officers and Employees (Study)	10/60 36 pp	3:H-1 OOP
#36	Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere — includes: • Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere (Rec) • Inter Vivos Marital Property Rights in Property Acquired While Domiciled Elsewhere (Study)	10/60 35 pp	3:I-1 OOP
#37	Notice of Alibi in Criminal Actions — includes: • Notice of Alibi in Criminal Actions (Rec) • Notice of Alibi in Criminal Actions (Study)	10/60 22 pp	3:J-1 \$8.50

Volume 4 (1963)

[Hardcover Volume Out of Print]

#38	1962 Annual Report [for 1961]	3/62 23 pp	4:1 \$8.50
#39	1963 Annual Report [for 1962]	1/63 18 pp	4:101 \$8.50
#40	1964 Annual Report [for 1963]	12/63 46 pp	4:201 \$8.50
#41	Uniform Rules of Evidence: Article VIII. Hearsay Evidence — includes: • Uniform Rules of Evidence: Article VIII. Hearsay Evidence (Rec) • Hearsay Evidence Article of the Uniform Rules of Evidence (Study)	8/62 319 pp	4:301 OOP
#42	Condemnation Law and Procedure: Number 4 — Discovery in Eminent Domain Proceedings [The first three pamphlets (unnumbered) in Volume 3 also deal with the subject of condemnation law and procedure.] — includes: • Condemnation Law and Procedure: Number 4 — Discovery in Eminent Domain Proceedings (Rec) • Pretrial Conferences and Discovery in Eminent Domain Proceedings (Study)	1/63 74 pp	4:701 \$18.00
#43	Sovereign Immunity: Number 1 — Tort Liability of Public Entities and Public Employees	1/63 86 pp	4:801 \$18.00
#44	Sovereign Immunity: Number 2 — Claims, Actions and Judgments Against Public Entities and Public Employees	1/63 94 pp	4:1001 \$18.00
#45	Sovereign Immunity: Number 3 — Insurance Coverage for Public Entities and Public Employees	1/63 14 pp	4:1201 \$8.50
#46	Sovereign Immunity: Number 4 — Defense of Public Employees	1/63 22 pp	4:1301 \$8.50
#47	Sovereign Immunity: Number 5 — Liability of Public Entities for Ownership and Operation of Motor Vehicles	1/63 8 pp	4:1401 \$5.50

#48	Sovereign Immunity: Number 6 — Workmen's Compensation Benefits for Persons Assisting Law Enforcement or Fire Control Officers	1/63 8 pp	4:1501 \$5.50
#49	Sovereign Immunity: Number 7 — Amendments and Repeals of Inconsistent Special Statutes	3/63 11 pp	4:1601 OOP

Volume 5 (1963)

[Hardcover Volume Out of Print]

#50	Study Relating to Sovereign Immunity [Softcover publication has entire contents of hardcover volume except for the title page and some other front matter.]	1/63 568 pp	5:1 \$25.00
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Volume 6 (1964)

[Hardcover Volume Out of Print]

#51	Uniform Rules of Evidence: Article 1. General Provisions — includes: • Uniform Rules of Evidence: Article 1. General Provisions (Rec) • General Provisions Article of the Uniform Rules of Evidence (Study)	4/64 74 pp	6:1 \$18.00
#52	Uniform Rules of Evidence: Article IX. Authentication and Content of Writings — includes: • Uniform Rules of Evidence: Article IX. Authentication and Content of Writings (Rec) • Authentication Article of the Uniform Rules of Evidence (Study)	1/64 70 pp	6:101 \$18.00
#53	Uniform Rules of Evidence: Article V. Privileges — includes: • Uniform Rules of Evidence: Article V. Privileges (Rec) • Privileges Article of the Uniform Rules of Evidence (Study)	2/64 301 pp	6:201 \$25.00
#54	Uniform Rules of Evidence: Article VI. Extrinsic Policies Affecting Admissibility — includes: • Uniform Rules of Evidence: Article VI. Extrinsic Policies Affecting Admissibility (Rec) • Uniform Rules of Evidence — Extrinsic Policies Affecting Admissibility (Study)	3/64 80 pp	6:601 \$18.00
#55	Uniform Rules of Evidence: Article IV. Witnesses — includes: • Uniform Rules of Evidence: Article IV. Witnesses (Rec) • The Witnesses Article of the Uniform Rules of Evidence (Study)	3/64 72 pp	6:701 \$18.00
#56	Uniform Rules of Evidence: Article II. Judicial Notice — includes: • Uniform Rules of Evidence: Article II. Judicial Notice (Rec) • The Judicial Notice Article of the Uniform Rules of Evidence (Study)	4/64 60 pp	6:801 \$18.00
#57	Uniform Rules of Evidence: Article VII. Expert and Other Opinion Testimony — includes: • Uniform Rules of Evidence: Article VII. Expert and Other Opinion Testimony (Rec) • The Uniform Rules of Evidence — Expert and Other Opinion Testimony (Study)	3/64 49 pp	6:901 \$8.50

#58	Uniform Rules of Evidence: Burden of Producing Evidence, Burden of Proof, and Presumptions (Replacing Article III of the Uniform Rules of Evidence) — includes:	6/64 148 pp	6:1001 \$25.00
	<ul style="list-style-type: none"> • Uniform Rules of Evidence: Burden of Producing Evidence, Burden of Proof, and Presumptions (Replacing Article III of the Uniform Rules of Evidence) (Rec) • Uniform Rules of Evidence — Burden of Producing Evidence, Burden of Proof, and Presumptions (Study) 		
#59	Uniform Rules of Evidence: Article VIII. Hearsay Evidence [same as 4:301] — includes:	10/62 272 pp	6:ff-1150 OOP
	<ul style="list-style-type: none"> • Uniform Rules of Evidence: Article VIII. Hearsay Evidence (Rec) • Hearsay Evidence Article of the Uniform Rules of Evidence (Study) 		

Volume 7 (1965)

[Hardcover Volume Out of Print]

#60	Evidence Code	1/65 394 pp	7:1 OOP
#61	Sovereign Immunity: Number 8 — Revisions of the Governmental Liability Act: Liability of Public Entities for Ownership and Operation of Motor Vehicles; Claims and Actions Against Public Entities and Public Employees;	1/65 30 pp	7:401 \$8.50
#62	1965 Annual Report [for 1964]	1/65 16 pp	7:801 OOP
#63	1966 Annual Report [for 1965]	12/65 28 pp	7:901 OOP
#64	Evidence Code with Official Comments	8/65 338 pp	7:1001 \$25.00

Volume 8 (1967)

[Hardcover Volume Out of Print]

#65	Annual Report [for 1966] — includes:	12/66 29 pp	8:1 \$8.50
	<ul style="list-style-type: none"> • Discovery in Eminent Domain Proceedings 		
#66	Evidence Code: Number 1 — Evidence Code Revisions	10/66 28 pp	8:101 \$8.50
#67	Evidence Code: Number 2 — Agricultural Code Revisions	10/66 34 pp	8:201 \$8.50
#68	Evidence Code: Number 3 — Commercial Code Revisions	10/66 13 pp	8:301 \$8.50
#69	Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property — includes:	10/66 43 pp	8:401 \$8.50
	<ul style="list-style-type: none"> • Whether Damages for Personal Injury to a Married Person Should Be Separate or Community Property (Rec) • California Personal Injury Damage Awards to Married Persons [reprinted from 13 UCLA L. Rev. 587 (1966)] (Study) 		
#70	Vehicle Code Section 17150 and Related Sections — includes:	10/66 48 pp	8:501 \$8.50
	<ul style="list-style-type: none"> • Vehicle Code Section 17150 and Related Sections (Rec) • Imputed Contributory Negligence: The Anomaly in California Vehicle Code Section 17150 [reprinted from 17 Stan. L. Rev. 55 (1964)] (Study) 		

#71	Additur — includes: • Additur (Rec) • Power of the Trial Court to Deny a New Trial on the Condition that Damages Be Increased [reprinted from 3 Cal. W. L. Rev. 1 (1966)] (Study)	10/66 58 pp	8:601 \$18.00
#72	Abandonment or Termination of a Lease — includes: • Abandonment or Termination of a Lease (Rec) • Whether the Rights and Duties Attendant upon the Termination of a Lease Should Be Revised [reprinted from 54 Cal. L. Rev. 1141 (1966)] (Study)	10/66 74 pp	8:701 \$18.00
#73	Good Faith Improver of Land Owned by Another — includes: • Good Faith Improver of Land Owned by Another (Rec) • Improving the Lot of the Trespassing Improver [reprinted from 11 Stan. L. Rev. 456 (1959)] (Study)	10/66 62 pp	8:801 \$18.00
#74	Suit By or Against an Unincorporated Association — includes: • Suit By or Against an Unincorporated Association (Rec) • Suit By Or Against An Unincorporated Association (Study)	10/66 42 pp	8:901 \$8.50
#75	Escheat	9/67 70 pp	8:1001 \$18.00
#76	Condemnation Law and Procedure: Number 1 — Possession Prior to Final Judgment and Related Problems — includes: • Condemnation Law and Procedure: Number 1 — Possession Prior to Final Judgment and Related Problems (Rec) • Possession Prior To Final Judgment in California Condemnation Procedure [reprinted from 7 Santa Clara Law. 1 (1966)] (Study)	9/67 149 pp	8:1101 \$25.00
#77	Annual Report [for 1967] — includes: • Recovery of Condemnee's Expenses on Abandonment of an Eminent Domain Proceeding • Improvements Made in Good Faith Upon Land Owned by Another • Damages for Personal Injuries to a Married Person as Separate or Community Property • Service of Process on Unincorporated Associations	12/67 110 pp	8:1301 \$25.00

Volume 9 (1969)

[Hardcover Volume Out of Print]

#78	Annual Report [for 1968] — includes: • Sovereign Immunity: Number 9 — Statute of Limitations in Actions Against Public Entities and Public Employees • Additur and Remittitur • Fictitious Business Names	12/68 76 pp	9:1 \$18.00
#79	Annual Report [for 1969] — includes: • Quasi-Community Property • Arbitration of Just Compensation • Evidence Code: Number 5 — Revisions of the Evidence Code • Real Property Leases • Statute of Limitations in Actions Against Public Entities and Public Employees	12/69 102 pp	9:81 OOP

#80	Mutuality of Remedies in Suits for Specific Performance — includes: <ul style="list-style-type: none"> • Mutuality of Remedies in Suits for Specific Performance • Mutuality of Remedies in California Under Civil Code Section 3386 (Cox) [reprinted from 19 Hastings L.J. 1430 (1968)] 	9/68 32 pp	9:201 \$8.50
#81	Powers of Appointment — includes: <ul style="list-style-type: none"> • Powers of Appointment • Powers of Appointment in California [reprinted from 19 Hastings L.J. 1281 (1968)] 	10/68 52 pp	9:301 \$18.00
#82	Real Property Leases	10/68 24 pp	9:401 \$8.50
#83	Evidence Code: Number 4 — Revision of the Privileges Article	11/68 13 pp	9:501 \$8.50
#84	Fictitious Business Names — includes: <ul style="list-style-type: none"> • Fictitious Business Names • Fictitious Business Names Legislation — Modernizing California's Pioneer Statute [reprinted from 19 Hastings L.J. 1349 (1968)] 	10/69 80 pp	9:601 \$18.00
#85	Representations as to the Credit of Third Persons and the Statute of Frauds — includes: <ul style="list-style-type: none"> • Representations as to the Credit of Third Persons and the Statute of Frauds • Statute of Frauds and Misrepresentations as to the Credit of Third Persons: Should California Repeal Its Lord Tenterden's Act? [reprinted from 16 UCLA L. Rev 603 (1969)] 	10/69 33 pp	9:701 \$8.50
#86	Sovereign Immunity: Number 10 — Revisions of the Governmental Liability Act: Nuisance; Entries for Survey and Examination; Immunity for Plan or Design of Public Improvement; Police and Correctional Activities; Medical, Hospital, and Public Health Activities; Ultrahazardous Activities; Liability for the Use of Pesticides	9/69 57 pp	9:801 \$18.00
#87	"Vesting" of Interests Under the Rule Against Perpetuities — includes: <ul style="list-style-type: none"> • "Vesting" of Interests Under the Rule Against Perpetuities (Rec) • "Vesting" of Interests Under the Rule Against Perpetuities (Study) 	10/69 20 pp	9:901 \$8.50

Volume 10 (1971)

[Hardcover Volume Out of Print]

#88	California Inverse Condemnation Law — includes: <ul style="list-style-type: none"> • Ch. 1: The Scope of Legislative Power (Van Alstyne) [reprinted from 29 Stan. L. Rev. 727 (1967)] • Ch. 2: Inverse Condemnation Goals and Policy Criteria (Van Alstyne) [reprinted from 8 Santa Clara Law. 1 (1967)] • Ch. 3: Deliberately Inflicted Injury or Destruction (Van Alstyne) [reprinted from 20 Stan. L. Rev. 617 (1968)] • Ch. 4: Unintended Physical Damage (Van Alstyne) [reprinted from 20 Hastings L.J. 421 (1969)] • Ch. 5: Intangible Detriment (Van Alstyne) [reprinted from 16 UCLA L. Rev. 491 (1969)] 	6/71 433 pp	10:1 OOP
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- Ch. 6: Taking or Damaging by Police Power (Van Alstyne)
[reprinted from 44 S. Cal. L. Rev. 1 (1970)]
 - Ch. 7: Recent Developments in California Inverse Condemnation Law (Sterling)
- | | | | |
|-----|--|-----------------|-------------------|
| #89 | Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions — includes: | 10/70
126 pp | 10:501
\$25.00 |
| | • Counterclaims and Cross-Complaints, Joinder of Causes of Action, and Related Provisions (Rec) | | |
| | • Joinder of Claims, Counterclaims, and Cross-Complaints: Suggested Revision of the California Provisions (Study) [reprinted from 23 Stan. L. Rev. 1 (1970)] | | |
| #90 | Attachment, Garnishment, and Exemptions from Execution: Employees' Earnings Protection Law | 11/71
101 pp | 10:701
OOP |
| #91 | Annual Report [for 1970] — includes: | 12/70 | 10:1001 |
| | • Inverse Condemnation: Insurance Coverage | 56 pp | \$18.00 |
| #92 | Annual Report [for 1971] — includes: | 12/71 | 10:1101 |
| | • Attachment, Garnishment, and Exemptions from Execution: Discharge from Employment | 68 pp | OOP |

Volume 11 (1973)

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|------|---|-----------------|-------------------|
| #93 | Civil Arrest — includes: | 7/72 | 11:1 |
| | • Civil Arrest (Rec) | 37 pp | \$8.50 |
| | • Civil Arrest in California | | |
| #94 | Wage Garnishment and Related Matters | 10/72
114 pp | 11:101
\$25.00 |
| #95 | Claim and Delivery Statute | 12/72
45 pp | 11:301
\$8.50 |
| #96 | Unclaimed Property | 3/73
17 pp | 11:401
\$8.50 |
| #97 | Inheritance Rights of Nonresident Aliens — includes: | 9/73 | 11:421 |
| | • Inheritance Rights of Nonresident Aliens (Rec) | 28 pp | \$8.50 |
| | • Inheritance Rights of Nonresident Aliens: A Look at California's Reciprocity Statute [reprinted from 3 Pacific L.J. 551 (1972)] (Study) | | |
| #98 | Enforcement of Sister State Money Judgments | 11/73
24 pp | 11:451
\$8.50 |
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